

MEETING NOTICE AND AGENDA

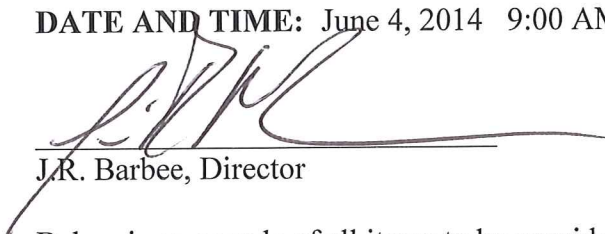
BOARD OF AGRICULTURE

LOCATION: Nevada Department of Agriculture
405 S. 21st St.
Sparks, NV 89431-5557
775-353-3601
775-353-3661

Video-Conference to: Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104
702-668-4590

Video-Conference to: Nevada Department of Agriculture
4750 E. Idaho Street
Elko, Nevada 89801-4672
775-738-8076
775-738-2639

DATE AND TIME: June 4, 2014 9:00 AM



J.R. Barbee, Director

Below is an agenda of all items to be considered. **Action may be taken on items preceded by an asterisk (*).** Items on the agenda may be taken out of the order presented, items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.

AGENDA

1. **Open meeting- Call to Order by Chairman Dave Stix, Jr.**
 - A. Pledge of Allegiance
 - B. Roll Call
2. **Public Comment**
3. **Approve March 4, 2014 Board Meeting Minutes (*for possible action*)**

4. Directors Report

- A. Introduction of new Executive Assistant to the Director, Jerri Conrad
- B. Activity Report - *(for information)*
- C. *Discussion and possible direction to staff regarding current issues pertaining to the Wild Horse and Burro Act (WHBA) and situations encompassing the current management of WHBA by BLM and US Forest Service. The current lawsuit filed by the Nevada Association of County Officials and the Nevada Farm Bureau *(for possible action)*
- D. Review of Director's powers and authorities *(for information)*

5. Administration

- A. Update to Board – Dale Hansen, Fiscal Administrator *(for information)*
- B. *Department Policy Adoption of ADM Policies 2 and 3:
 - *Policy AG-2-ADM-2 Telephone Use *(for possible action)*
 - *Policy AG-2-ADM-3 Uniforms *(for possible action)*

6. Plant Industry

- A. Update to Board – Dawn Rafferty, Administrator *(for information)*
- B. * Request Board approval for adoption of permanent revisions to NAC 555.250 through 555.700 Custom Application of Pesticides and Certified Applicators – Robert Leavitt *(for possible action)*

7. Consumer Equitability

- A. Update to Board – Dave Jones, Administrator *(for information)*
- B. Oil Testing Program Update – Bill Striejewski *(for information)*
- C. *Department Policy Adoption of Policy AG-1-HR-19 Alcohol and Controlled Substances Testing Program Policy *(for possible action)*

8. Food and Nutrition Programs

- A. Update to Board– Donnell Barton, Administrator *(for information)*

9. Animal Industries

- A. Update to Board – Flint Wright, Administrator – *(for information)*
 - 1) Livestock Inspection Vehicle Stops Report
 - a) Jackpot, NV
 - b) Truckee, CA
 - c) Las Vegas, NV

- 2) Animal Health Update
 - a) Trich
 - b) West Nile
 - c) Coggins
- 3) Interstate Livestock Transport Rules Update
 - a) ADT update
 - b) Requirements for Bred Cattle and Stocker Cattle
- 4) Bundy Gather Report-NV Department of Ag Role only

10. Board Member Comments

11. Public Comment

12. Adjournment

* Denotes items on which Board may take action. ** Denotes possible closed session.

Unless noted as an action item, discussion of any item raised during a report or public comment is limited to that necessary for clarification or necessary to decide whether to place the item on a future agenda.

Public comment may be limited to three minutes per person at the discretion of the chairperson.

All times are approximate. The Board reserves the right to take items in a different order to accomplish business in the most efficient manner.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify The Dept. of Agriculture in writing at 405 S. 21st Street, Sparks, NV 89431 or contact Gina Breslow at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at www.agri.state.nv.us. For additional information contact Gina Breslow at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 McLeod Street, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City

1

Open Meeting-
Call to order by
Chairman
Stix

1A

Pledge of Allegiance

1B

Roll
Call

2

Public Comment

3

Approve
03/04/2014
Minutes

*Possible Action

Name of Organization: Nevada Board of Agriculture

Date and Time of Meeting: March 4, 2014, 9:00 a.m.

Place of Meeting: Nevada Department of Agriculture
405 So. 21st. Street
Sparks, NV 89431-5557
775-353-3601
775-353-3661

Minutes
March 4, 2014

Board Members Present:

Dave Stix, Jr., Chairman
Paul Anderson, Vice Chairman
Jim Snyder
Boyd Spratling
Paul Noe
Timothy Dufferena
Ramona Morrison
Brian Nakaguchi
Charlie Frey
Alan Perazzo
Pete Paris

Board Members Absent:

None

Staff Members Present:

Jim Barbee
Dennis Belcourt, Deputy A.G.
Gina Breslow
Dale Hanson
Flint Wright
Donnell Barton
Dave Jones
Damon Hernandez
Robert Leavitt
Jeff Suttich
Tatjana Vukovich
Amber Smyer
Jay Ludlow
Shawn McFalls
Robert Little
Dawn Rafferty
Jamie Greer
Ashley Jepson

Guests Present:

Mark Jensen
Audrey Spratling
Cliven Bundy
Carol Bundy
JJ Giogochea
Leanna Stitzel

1. Open meeting-call to order by Chairman Dave Stix, Jr. at 9:06 am

- A. Pledge of Allegiance
- B. Roll call
- C. Oath of Office for New and Reappointed Board Members

2. Public Comment – none

3. Minutes

- A. *Approve December 5, 2013 Board Meeting Minutes (*for possible action*)

Jim Snyder moves to Approve, Boyd Spratling Seconds; Motion Passes Unanimously

4. Directors Report

- A. Update to Board – Jim Barbee, Director – Report attached (*for information*)
- Laptops used 1st time today for Board Members to view Board Packets Online.
 - Budget Season for FY15 Legis. Session:
 - a. LV Metro Bldg to be sight of New NDA. B&G to share 9,000 sq. ft. for NDA Chem. Labs, Petro, tall Garage Bays for W&M plus Warehouse space for F&N Commodities.
 - b. Evaluating possible staff needs: PIO 1, Global Info. Syst. Spec., Rangeland Spec/Wildlife Biologist
 - Currently reviewing new FIMSA/FDA rules re: Veterinarian/Antibiotics and Antibiotics in Feed – NDA to help set policy. NASDA has been discussing this at National Levels. Thinking is to work with Fed. Gov't. rather than wait for them to set Policy and guidelines.

Boyd Spratling, DVM: is this mostly regarding Vets – how much of this is “Feed related”?

Jim: it's extremely vague and complicated but we're reading through it now

Dave Stix, Jr.: Department needs to back Industry to put antibiotics in the Feed – if we wait until the calves get sick, it's too late.

Flint Wright: Producers can still get antibiotics, will just need a Veterinarian prescription “For Therapeutic Reasons Only”. Really something for another meeting. Dairy/Poultry/Pork producers will be mostly affected by regs. Poultry will be affected the most, some operations treating with antibiotics “day one” & not stopping until chicken goes to harvest. Those days are over.

Dave Stix, Jr.: Public needs to realize Cattle Producers and Dairymen are business people and wouldn't put something “unnecessary” into feed – it doesn't make sense. We've been fighting this antibiotic thing for years. I guess instead of treating them, we just sit back and watch them die a horrible death.

Flint: agrees there will be an issue with “at risk” calves, Veterinarians will have to write prescriptions for the Feed with Antibiotics. Bottom line – it's going to raise the cost of your production.

Jim: Next Board meeting, we will have briefing on four parts of FIMSA Rules:

1. Food Manufacturing
2. Produce Safety
3. Feed Manufacturing
4. Veterinary Prescriptions

Ramona Morrison for record: Federal Gov't is asserting authority over State and State must deal with it now because of the Separation of Powers. Some Federal Agencies have Police Powers – BLM/USDA/FDA do not – FBI/DEA do. This Board should seek legal counsel for Agency & Board Members personal liability regarding any Federal Police Action, such as raid on a Rancher's property. Sometimes Federal Agencies enforce laws that they have no right to enforce by waving the Supremacy Clause while completely forgetting The Constitution. Due process is already in the law, Agency need to be on top of this.

Jim: This is the reason NDA wants to be the Agency representing regulatory control over this issue. The State can set policy how and what takes place within these laws. Next Board Meeting FIMSA Rules should be ready for Board.

- New NV Ag license plate handed around, ready first round production of 1400. Buy Nevada/FFA to benefit
- Computers & server crash issues from Dec. are fixed
- Sage Grouse – The Governor has reinforced SEC is the only “Voice” on the Sage Grouse Issue. There is a meeting in March re: Horse/Sage Grouse and drought issues.
- PARC informational meeting yesterday – PARC has not met in many yrs. First formal committee meeting will be April 9, 2014.
- Jim hands out old recorded Bundy Court Orders. No specific date for BLM Bundy roundup yet. State Brand Inspectors will be present to inspect Cattle Brands ONLY, per court order, but will not participate in this action in any other manner.
- Update on continuing recovery and remarkable progress of Ed Foster

Boyd Spratling asks for information on Drone program

Jim: looking at all utilizations – Many uses in crops and pesticides.

Boyd: What about FAA regulations?

Jim: We’re talking about really small remote control “toys”. NDA bought one that goes to about 400 feet high. Any private citizen can buy one of these and fly it at this altitude, but as a Regulatory agency, NDA has to register with the FAA – we are going through the process of making sure we cover all bases.

Ramona: “No-notice” or “secret inspections” will be a concern. Regs need to be spelled out.
Jim: Agree. This program is to be Public & Producers should be comfortable with it. At some point they might want us to help them use it for Buy Nevada Marketing with their own products.

- B. Marketing & Communications Update – Bob Conrad (*for information*) Delayed – see below
- C. Ag Report – Tatjana Vukovich – (*for information*)
- D. International Marketing Update – Jeff Suttich (*for information*)

Charlie Frey: GREAT program – very important. UNR Coop Extension should be contacted & included, as they would benefit greatly.

Jim: Agreed. Currently meeting with Mark Walker, Dean, UNR Co-op twice monthly to discuss several working ideas, incl. Ag Business Conference

Dave: We need to be careful with which countries we’re dealing with, especially with exportation of Hay. China is driving up prices – one Exporter wants 15,000 acres of hay & is trying to go through NNDA to purchase land in Battle Mtn. to get it. And, most of the powdered milk products are also going to China.

- E. Introduction of New Agriculture Literacy Staff Member, Amber Smyer

5. Administration

- A. Update to Board – Dale Hansen, Administrator (*for information*)
 - Dale Hansen hands “Expenditure Report” to Jay Ludlow & for Gayle to Upload to Website
 - Server crash causes rebuilding of several of Dale’s programs.
 - internal audits ongoing and going well
 - Fleet control, uniforms, PC upgrade is almost complete and running very smooth
 - Jim commends Dale for his hard work and dedication with organizing of Div of Admin

Break - After Break:

Paul Anderson: Two comments: Like the Laptops and think they are working well. Requests all presented docs to be in Board Packet prior to meeting so everyone can see what we see.

Dave: agrees. Thinks having the packets emailed ahead as done this meeting to read at home, and following along online is working well, but yes, docs should be in packets.

ITEM 4.B. Marketing & Communications Update – Bob Conrad *(for information)

6. Plant Industry

A. Update to Board – Dawn Rafferty, Administrator *(for information)*

B. *Request Board Approval for use of Alfalfa Seed Research and Promotion Account Funds to refund Travel expenses (not to exceed \$5000) for two NV alfalfa seed producers who attended the National Alfalfa and Forage Alliance Washington D.C. Fly-in event on 2/11/14-2/13/14.
(for possible action)

Paul Noe motions to Approve, Jim Snyder Seconds; Motion Passes Unanimously

C. *Request Board Approval for payment of the 2014 NAFA dues, when assessed, from the Alfalfa Seed Research and Promotion Account. *(for possible action)*

Ramona Morrison moves to Approve, Paul Anderson Seconds; Motion Passes Unanimously.

D. *Adoption of permanent NAC 587.340 change to Certificate of Origin adding \$25 fee for processing. Board approved Temporary Reg due to timing with session. The process was repeated to become permanent. No changes to original submission. *(for possible action)*

Ramona Morrison moves to Approve, Paul Noe Seconds; Motion Passes Unanimously

E. *Request Permission to go to workshop and hearing for NAC 555 changes related to Pest Control Operator licensing. *(for possible action)*

Presenter, Robert Leavitt, Las Vegas, explains Draft NAC

Charlie Frey moves to Approve, Paul Noe Seconds; Motion Passes Unanimously

F. *Request Permission to go to workshop and hearing for NAC changes to 555.010 to amend noxious weed list. *(for possible action)*

Presenter, Robert Little, explains that Noxious Weed List currently in Board Packet is incorrect. Robert handed out correct version to Board & Jay Ludlow.

Ramona Morrison moves to Approve, Paul Noe Seconds, motion Passes Unanimously.

Gina Breslow, Executive Assistant for the record, in response to Vice-Chairman Anderson's concerns on late Docs not being available to public: All docs have been handed to Jay (IT) to take down hallway to Gayle Willmoth (Admin) and are being uploaded "as we speak" for public viewing. **Currently no NRS according to Dennis Belcourt** that docs must be uploaded during the meeting, but we're trying to keep up with this today.

7. Consumer Equitability

A. Update to Board – Dave Jones, Administrator *(for information)*

- Operation Dollar Recovery
- Operation Oil Testing

Paul Anderson: Encourage NDA out to Industry to inform them of when/where they will start with this.

- Operation Livestock Scales
- New Technologies – needs for capabilities to test

Lunch Break – After lunch:

8. Food & Nutrition

A. Update to Board – Donnell Barton, Administrator *(for information)*

9. Animal Industries

A. Update to Board – Flint Wright, Administrator *(for information)*

- Correction of Gathers: Numerous complaints of property damage & two horses killed by vehicles. All horses were turned over to Return to Freedom & adopted out. Another gather was assisted by a Private property owner on Old Hwy 395 & So. Meadows, who even kept the horses corralled for two weeks. As yet unidentified suspect cut fences & released horses back onto Hwy 395 causing a major public safety problem. Thankfully all horses were safely gathered again and no one was hurt.
- Working on VRE Agreement, although not in final stages.
- Ewell Brand Inspections Company has been excellent to work with – will be tested on one truck before using in the field – workshop and hearing TBD
- BLM has requested State Brand Inspectors to be present for Cliven Bundy roundup. There is no date set, again, the Brand Inspectors are ONLY on site for Brand Inspections, period.

B. *Nevada Wool Growers Association 12/1/13 Letter of Request for balance of monies

C. 2013-14 Budget - \$36,058.46. *(for possible action)*

Charlie Frey moves to Approve, Boyd Spratling Seconds; Motion Passes Unanimously

D. *Review of NAC Trichomoniasis Regulations re: notification of neighboring herds *(for possible action)*

Mike Greenlee, DVM Presents. After discussion:

Boyd Spratling motions to Approve:

“State Veterinarian will notify all Category Two Veterinarians in the State of Nevada of Herds under “HOLD ORDER” and The State will notify all neighboring Herds of the potential “HOLD ORDER” based on the Epidemiology Investigation”

Ramona Morrison Seconds; Motion Passes Unanimously

E. Report to Board from Director and DAG on Resource Management Plan as it pertains to Agency Status and Coordination to find if Board has legal standing on this issue *(for information)*

F. Report to Board from DAG, Dennis Belcourt, on legal foundation for Documents and Statements presented to Board from Constituents at 12/5/13 meeting regarding BLM Winnemucca Office EOU Grazing Agreements as it pertains to private lands *(for information)*

- Dec 24, 2013 new Response from D. Messmer, BLM to Tim DeLong included in packet
- In future, Director will cover BLM/EOU Grazing under Resource Management Plan and will inform Tim DeLong by Letter.

10. Board Member Presentations

A. *Ramona Morrison – Submission of Letter from N-6 Grazing board Chairman, Hank Filippini to State Bar of Nevada, Re: Estate of Michael David Adams vs. Susan Fallini, Case No. CV24539. Ramona requests open discussion and suggestion that Ag Board write letter to State Bar to request Disciplinary Action in this matter regarding “Gross Misrepresentaion” or Nevada Open Range Law, and serious violation of rules of ethics. *(for possible action)*
Tabled for Next Meeting

B. **Director’s Evaluation – (for possible action)*

Director Barbee’s Evaluation publicly discussed, letter of praise and vote of confidence of the entire Board of Directors signed and dated by Chairman David Stix, Jr.

Alan Perazzo moves to Approve, Ramona Morrison Seconds; Motion Passes Unanimously

11. Public Comment

- **Email from Paul Tamera to Mike Stremmler** entered into record by Jim Barbee
- **Cliven Bundy from Las Vegas:** Has two Trespass Counts against him & his cattle are being seized and says NDA is cooperating. Is there an MOU with the Dept. of Interior? Does the Board know about the “Service” on NDA?

12. Adjournment

Discussion: Next Meeting: Wednesday, June 4, 2014, 9am Sparks

Alan Perazzo moves to Adjourn, Jim Snyder Seconds; Motion Passes Unanimously
Chairman Stix, Jr. adjourns meeting at 3:38pm.

4

Director's Report

4A

Introduction Of New Executive Assistant To The Director

4B

Activity Report

Directors Report
March 4, 2014 – June 4, 2014
Jim R. Barbee

March

- 10-14 Ag Processing Tour California with NV Energy
- 18 Ag Plate meeting with DMV
- 19 GWIB Meeting Carson City
- 20 FFA State Convention
- 21 Feasibility Meeting for Meat Processing plant
- 21 State Land use for NDA
- 24 Public Lands Meeting Winnemucca
- 26 Budget Prep work
- 26 Nutrition meeting with Food Bank
- 27 Food Security Council Meeting Las Vegas
- 28 Potential Business Conference Call (Aquaculture)
- 31 Cooperative Agreement Meeting
- 31 Ag in the classroom meeting at Farm Bureau

April

- 1 Managers Meeting
- 1 Ag Communications and Promotion Meeting
- 2 Personal Meeting Deborah Harris
- 2 Dept of Health inspection meeting FDA grants
- 3 Conf call with Utah Ag Commissioner on Bundy
- 3 FFA Foundation Meeting
- 8 Sagebrush Eco Meeting
- 8 Sunset Committee LCB PARC presentation
- 9 PARC Meeting
- 9 Cabinet Meeting
- 10 USDA Meeting Big Horn Sheep Management
- 12 Clark County Fair / Bundy Protest
- 13-16 Montreal Canada Trade Mission
- 17 Employee Administrative Hearing
- 18 RACC Conf Call
- 21 Las Vegas Metrology Lab Review
- 23 WASDA Conf Call
- 28 State Wide Meeting Prep
- 29 Div Admin Meeting
- 29 Internal Audit Meeting
- 30 Benchmark Study
- 30 Budget Prep

30 Carson Office walkthrough

May

1 USDA NASS Meeting
1 Bi-weekly Chief of Staff
1 FFA Foundation meeting
2 Personal Meeting – Harris
2 SEC Meeting
5 Administrative Staff Meeting/Survey Review
5 FWS Meeting
6 Tourism Meeting
7 ILIA Conf Meeting
7 NDA Farmers Market meeting
7 Food Banks Meeting
7 Team Ag Ed Meeting
8 PSA Meeting
8 Bi-weekly Meeting
8 FFA Foundation meeting
9 Metro Building Meeting Vegas
12 First Lady Meeting on Prison Farm
12 Business Meeting Food Processing
13 SEC Meeting
14 Gov Econ Team meeting
15 TSA Meeting
15 Farm Bureau Meeting
15 NJLS Speech
15 NDA Farmers Mkt meeting
16 Furlough
19-21 RACC and Border Tour Austin Texas
22 Ag Plate Promotion / Gator
23 Furlough
27 Managers Meeting
27 GROW Sub Committee Meeting Carson
28 Staff BBQ
29 All Day Staff Training
30 Eureka FFA Shoot Plate Promotion

June

1 Beef Video Shoot – Eureka
3 PARC Meeting Carson
4 Board of Ag Meeting Carson

4C

Discussion and
Direction on Wild
Horse and Burro
Act

*Possible Action

Sagebrush Ecosystem Program

201 Roop Street, Suite 101
Carson City, Nevada 89701
Telephone (775) 684-8600
Facsimile (775) 684-8604

www.sagebrusheco.nv.gov

BRIAN SANDOVAL
Governor



Tim Rubald, Program Manager
John Copeland, Forestry/Wildland Fire
Melissa Faigeles, State Lands
Kelly McGowan, Agriculture
Lara Niell, Wildlife

STATE OF NEVADA
Sagebrush Ecosystem Program

April 8, 2014

Mr. Jeffery Fontaine, Executive Director [*Individualized identical letter to Farm Bureau*]
304 South Minnesota St
Carson City, Nevada 89701

Mr. Fontaine,

At the Sagebrush Ecosystem Council's meeting on March 13, 2014, the Council adopted policy for the State of Nevada regarding Wild Horse and Burro management in the state. Our effort, much like your organization, is to improve management actions within the boundaries of Nevada, and diminish damages currently being suffered upon our public lands by unmanaged ungulates. We have submitted this set of policies, attached to this letter, to both the Bureau of Land Management and the US Forest Service, in an effort to have them implemented through the current Sub-regional Environmental Impact Statement (EIS) and presumed changes to district level Resource Management Plans.

Furthermore, during our meeting on April 8, 2014, it was unanimously approved by the Council to send a letter to your organization providing you with the attached copy of our policies. We hope this is helpful in your efforts to improve the management surrounding the Wild Horse and Burro issues.

Although developed specifically for the EIS, we also anticipate this initial policy document will be included in our "State Plan" for the Sagebrush Ecosystem. We welcome your additional input on this process as we move forward in the next few months.

Thank you again for your work on this issue. If we can be of further assistance, please don't hesitate to contact Tim Rubald our Program Manager or members of the Council.

Sincerely,

J.J. Goicoechea, Chairman
Sagebrush Ecosystem Council

c: file

Goals and Objectives:

Wild Horses and Burros excerpts for the revised State of Nevada Alternative

Alternative E – State of Nevada Alternative (Revised by the SETT with guidance from the SWG February 2014)

Color Code

Existing Language

Proposed Language

Goal E-WHB 1: Support, promote, and facilitate:

- *Full implementation of the Wild Free-Roaming Horses and Burros Act of 1971 as amended, including to preserve and maintain a thriving natural ecological balance and multiple-use relationship, without alternation of its implementation by subsequent Congresses or Presidential administrations.*
- *Maintaining healthy and diverse wild horse and burro populations in the State of Nevada in a manner that meets GRSG habitat objectives (see Table 2.6).*
- *Focusing expenditures of appropriated funds on management of wild horses and burros on public lands over care in captivity.*

Acknowledge that if action is not taken until herd health has become an issue, the range and water resources are likely to be in a highly degraded and potentially irreversible state. Non-active management (e.g. let nature take its course, wait until horse health or resource conditions are critical) is not acceptable management.

Recognizing that non-management is not acceptable, avoid negative or potentially irreversible consequences that will occur within the SGMA due to non-active management. Use all tools available and actively manage wild horses and burros within HMAs and WHBTs.

Goal E-WHB 2: TMA-11.1: Maintain wild horses at Appropriate Management Levels (AMLs) in designated Horse Management Areas (HMAs) throughout the Sage-grouse Management Area (SGMA)

Goal E-WHB 2: As authorized in the Wild Free-Roaming Horses and Burros Act of 1971, achieve and maintain wild horses and burros at or below established AMLs within the SGMA and manage for zero horse populations in non-designated areas within the SGMA to reduce impacts to Greater sage-grouse (GRSG) habitat.

Goal E-WHB 3: Strive to resolve the conflicts between the Endangered Species Act and the implementation of the Wild and Free Roaming Horse and Burro Act to ensure maintenance of GRSG habitat.

Objective E-WHB 1: TMA-11.2: Evaluate conflicts with HMA designations in SGMAs and modify LUPs to avoid negative impacts on GRSG. If necessary, resolve conflicts between the Wild and Free Roaming Horse and Burro Act and the ESA.

Objective E-WHB-1: Meet established AML levels in all HMAs and WHBTs in Core, Priority, and General Management Areas within five years.

Objective E-WHB 2: TMA-11.2: Evaluate conflicts with HMA designations in SGMAs and modify LUPs to avoid negative impacts on GRSG.

Objective E-WHB 3: See Role of Sagebrush Ecosystem Technical Team.

Objective E-WHB 3: Prioritize gathers for removal and/or population growth suppression techniques in HMAs, HAs, and WHBTs first within the State's Core Management Areas and then within the Priority and General Management Areas. Additional prioritization should be given for HMAs and WHBTs that are near AML or where a reduction would serve the most beneficial purpose. Proactively and adaptively manage herd sizes taking into consideration climate variability and other natural phenomena, similar to the restrictions placed on livestock managers.

Management Actions: Wild Horses and Burros excerpts for the revised State of Nevada Alternative

Alternative E – State of Nevada Alternative (Revised February 2014)

Color Code

Existing Language

Proposed Language

Action E-WHB 1: TMA-11: Manage wild horses at AMLs to avoid and minimize impacts on SGMAs.

Action E-WHB 1: Even if current AML is not being exceeded, yet habitat within the SGMA continues to become degraded, at least partially due to wild horses or burros, established AMLs within the HMA or WHBT should be reduced through the NEPA process and monitored annually to help determine future management decisions. Unless already meeting the lowest established AML level, during periods of drought, AMLs should be reduced to a level that is consistent with maintaining GRSG habitat objectives (see Table 2.6).

Action E-WHB 2: TMA-11: Manage wild horses at AMLs to avoid and minimize impacts on SGMAs.

Action E-WHB 2: Ensure that Herd Management Area Plans (HMAP) and WHBT plans are developed and/or amended within the Core, Priority, and General management areas, identified in the State's management areas map, taking into consideration the GRSG habitat objectives (see Table 2.6).

Action E-WHB 3: TMA-11: Manage wild horses at AMLs to avoid and minimize impacts on SGMAs.

Action E-WHB 3: Methods that were used to initially establish AMLs should be reevaluated to determine if they are still sufficient to achieve GRSG habitat objectives (see Table 2.6).

Action E-WHB 4: See Role of Sagebrush Ecosystem Technical Team.

Action E-WHB 4: Use professionals (botanists, rangeland ecologists, wildlife biologists, hydrologists, etc.) from diverse backgrounds to conduct land health assessments, proper functioning condition, site specific wild horse and burro grazing response indices assessments, and habitat objective assessments.

Action E-WHB 5: See Role of Sagebrush Ecosystem Technical Team.

Action E-WHB 5: When implementing management activities, water developments, or rangeland improvements for wild horses or burros, consider both direct and indirect effects on GRSG and

use the applicable Site Specific Consultation Based Design Features (SSCBDF) (see Appendix A) to minimize potential impacts or disturbances.

Proposed New Action Items

Action E-WHB 6: Given their capability to increase their numbers by 18%-25% annually, resulting in the doubling in population every 4-5 years (Wolfe et al. 1989; Garrott et al. 1991), wild horse gathers should be conducted to attain the lowest levels of AML. This in combination with continued and expanded use and development of effective forms of population growth suppression techniques will enable AML to be maintained for longer periods and reduce the frequency of gathers and associated cost and effort.

Action E-WHB 7: In order to expedite recovery time and enhance restoration efforts following wildfire or GRSG habitat enhancement projects, consider a significant reduction and temporary removal or exclusion of all wild horses and burros within or from burned areas where HMAs and WHBT overlap with GRSG Core, Priority, and General Management Areas. Wild horse grazing behaviors and specialized physiological requirements make unmanaged grazing on recently burned/ treated areas problematic for reestablishment of burned and/or seeded vegetation. (Arnold and Dudzinski 1978, Rittenhouse et al. 1982, Duncan et al. 1990, Hanley 1982, Wagner 1983, Menard et al. 2002, Stoddart et al. 1975, Symanski 1994).

Action E-WHB 8: If current AML is being exceeded, consider emergency short-term measures to reduce or avoid degradation of GRSG habitat from HMAs or WHBT that are in excess of established AML levels within the SGMA.

Action E-WHB 9: If monitored sites are not meeting GRSG habitat objectives in Table 2.6, even if AML is being met, and it is determined that wild horses or burros are the primary causal factor, then implement protective measures as applicable in addressing similar emergencies (e.g. fire, flood, drought, etc.).

- *Consider exclusionary fencing of riparian or other mesic sites and implement water developments (following the SSCBDF as described in Appendix A) to ensure dispersal or avoidance of sites heavily impacted by wild horses (Feist 1971, Pellegrini 1971, Ganskopp and Vavra 1986, Naiman et al. 1992). A water source that meets the SSCBDF should be provided, as horses traditionally do not leave known water sources just because they are fenced.*
- *Plan for and implement an immediate reduction in herd size to a level that would enable the area to recover to meet the habitat objectives in Table 2.6 and to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area. Consider lowering the AML levels to prevent future damage.*

Action E-WHB 10: Implement a telemetry monitoring program for wild horses. Research regarding the direct interactions between, and in indirect effects of wild horses and GRSG is identified as a need and could further assist the agencies in the development of habitat selection

maps (Beever and Aldridge et al. 2011) as well as offer a general understanding of the intensity, timing, and duration of use by wild horses within the SGMA.

Action E-WHB 11: Work with professionals from other federal and state agencies, researchers at universities, and others to continue to develop, expand, and test more effective population growth suppression techniques, including contraception options.

Climate Change-WHB

Action E-WHB-CC 1: See Role of Sagebrush Ecosystem Technical Team.

Action E-WHB-CC 1: As climate data becomes available, adjust wild horse and burro and rangeland management practices to allow for Core, Priority, and General Management Areas to sustain or increase their sagebrush ecosystem resiliency and resistance.

Action E-WHB-CC 2: See Role of Sagebrush Ecosystem Technical Team.

Action E-WHB-CC2: Collaborate with weather and climate professionals and agencies (UNR, DRI, NOAA, etc.) to proactively manage the rangelands resources and adjust, as necessary, the current wild horse and burro management policies. Ensure that sufficient ongoing public and political education is provided.

Literature Cited:

Beever, E.A., and C.L. Aldridge, 2011. Influences of free-roaming equids on sagebrush ecosystems, with a focus on Greater Sage-Grouse. Pp. 273-290 in S.T. Knick and J.W. Connelly (editors). Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats. Studies in Avian Biology (vol. 38), University of California Press, Berkeley, CA.



Nevada Association of Counties
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NACO's Wild Horse Lawsuit

The Nevada Association of Counties, along with the Nevada Farm Bureau Federation, have filed a lawsuit in the Federal District Court of Nevada seeking an order to require the U.S. Department of the Interior and the Bureau of Land Management to comply with the requirements of the Wild Free-Roaming Wild Horse and Burro Act of 1971 as Amended (WFRWH&BA).

Background

Wild horses and burros have long been an integral part of the landscape and heritage of Nevada. As the state with the highest percentage of public lands under federal management in the U.S. (over 80%), Nevada also has, by a large margin, the largest population of wild horses and burros. According to the WFRWH&BA, it is the responsibility of the federal agencies that manage public land in Nevada to maintain the balance of species and uses on our State's public lands. To that end, the BLM established Appropriate Management Levels (AMLs) for wild horse and burro populations and is tasked with inventorying the animals and maintaining population levels (AMLs) that maintain a thriving ecological balance on the range. Unfortunately, wild horse and burro populations have far exceeded AMLs for some time - management practices have not kept pace with population growth.

Why is NACO concerned about wild horses and burros?

NACO has been concerned about the overpopulation of wild horses for a number of years. Most of Nevada's counties contain wild horse Herd Management Areas (HMAs), that have horse populations far in excess of BLM determined AMLs. This situation affects counties in a number of ways: wild horse overpopulation creates serious environmental concerns for horses, wildlife, and ecology of rangelands, and creates both direct and indirect economic impacts. Loss of use of public lands as well as the cost of services associated with the health and safety impacts created by the overpopulation of wild horses and burros decreases tax revenues and yet increases the costs that counties must bear.

NACO members, individually and collectively, have a commitment, as well as a legal obligation, to protect the environment and economic viability of counties as well as the health, safety, and welfare of residents.

Why did NACO file a lawsuit?

NACO has consistently reached out to the DOI seeking to discuss wild horse and burro management. The hope of NACO and its members was that something could be done to move the DOI and the BLM both to engage stakeholders in Nevada and also to begin to take action to improve wild horse and burro management strategies to comply with the WFRWH&BA.

In September of 2012, NACO sent a letter then U.S. Department of the Interior Secretary Salazar that outlined many of the issues associated with the lack of consistent and effective management of wild horses in Nevada. Having received no response, NACO sent a second letter in January 2013. Having still not received a response the NACO Board voted on April 19, 2013 to pursue legal action. NACO did receive an eventual response from the BLM; however, after NACO welcomed an offer to meet, no further communication from the BLM has been received.



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Does NACO support wild horses on public lands?

NACO recognizes wild horses as an iconic symbol of the landscape and heritage of Nevada and supports their presence on public lands; however, it is imperative that horses be maintained at Appropriate Management Levels and within properly established HMAs. There is a sad irony in the fact that the failure and delay of the DOI and the BLM to comply with the duties imposed on them by the WFRWH&BA gravely harms the horses themselves – the very animals that the Act was designed to protect. Nevada’s free-roaming horse and burro herds are frequently observed to be in malnourished condition, with the ribs and skeletal features of individual animals woefully on view and other signs of ill-health readily observable.

What specifically is NACO asking the court to do?

NACO is asking the Court to issue an injunction and/or Writ of Mandamus requiring DOI to promptly and fully comply with all the provisions of the Act and specifically to do the following:

- Immediately, upon the filing of the Order, conduct gathers of all excess animals on public lands in Nevada, which exceed the currently established AMLs, both inside and outside of established HMAs.
- On a continuing basis thereafter, no less frequently than every 2 (two) months, determine the current populations of animals in Nevada and promptly conduct gathers of excess animals on public lands in Nevada, which exceed currently established AMLs.
- Immediately, upon the filing of the Order, cease the long-term warehousing of animals removed from excess populations of animals on public lands in Nevada and to instead promptly and without delay proceed to auction, sell and otherwise properly dispose of such animals in accordance with the Act.
- Adhere to multiple use principles in carrying out their responsibilities under the Act in Nevada including, but not limited to, compliance with the laws of the State of Nevada as they pertain to water rights.
- Cease interfering with Nevada water rights owned by third parties by preventing their owner’s access to and use of waters and to cease favoring horses and burros, particularly excess animals, over other users of the lands including wildlife.

About NACO

NACO is a non-profit, non-partisan association that represents Nevada’s 17 counties. NACO’s Board of Directors is comprised of commissioners from each of the counties.

Overpopulation of Wild Horses and Burros in Nevada Has Severe Impacts on Both Health of Horses as Well as the Ecological Health and Sustainability of Nevada's Rangelands

The significant and continued overpopulation of wild horses and burros in Nevada has had a dramatic impact on the ability to manage Nevada's rangelands for rangeland health and a thriving natural ecological balance. Examples abound of the severe degradation of natural springs and riparian areas, unhealthy or dying horses, and negative effects on wildlife and native vegetation. The examples below are from geographic areas where livestock grazing is documented to be very limited (especially during vegetation growing season and/or summer months) or has been removed altogether, and where horses are so overpopulated that they are found starving and competing with native wildlife for forage and water.

Health of Horses and the Landscape

The following photos were all taken at the Cold Creek Herd Management Area (HMA) in Eastern Nevada in 2012. This area is overpopulated with wild horses who compete with each other and with wildlife for food and water.



Photo by Savannah Sturm (used w permission)-taken at Cold Creek HMA, Eastern Nev, 2012.



Photo taken by Julie Gleason (used with permission) - taken at Cold Creek HMA, Eastern Nevada, 2012.

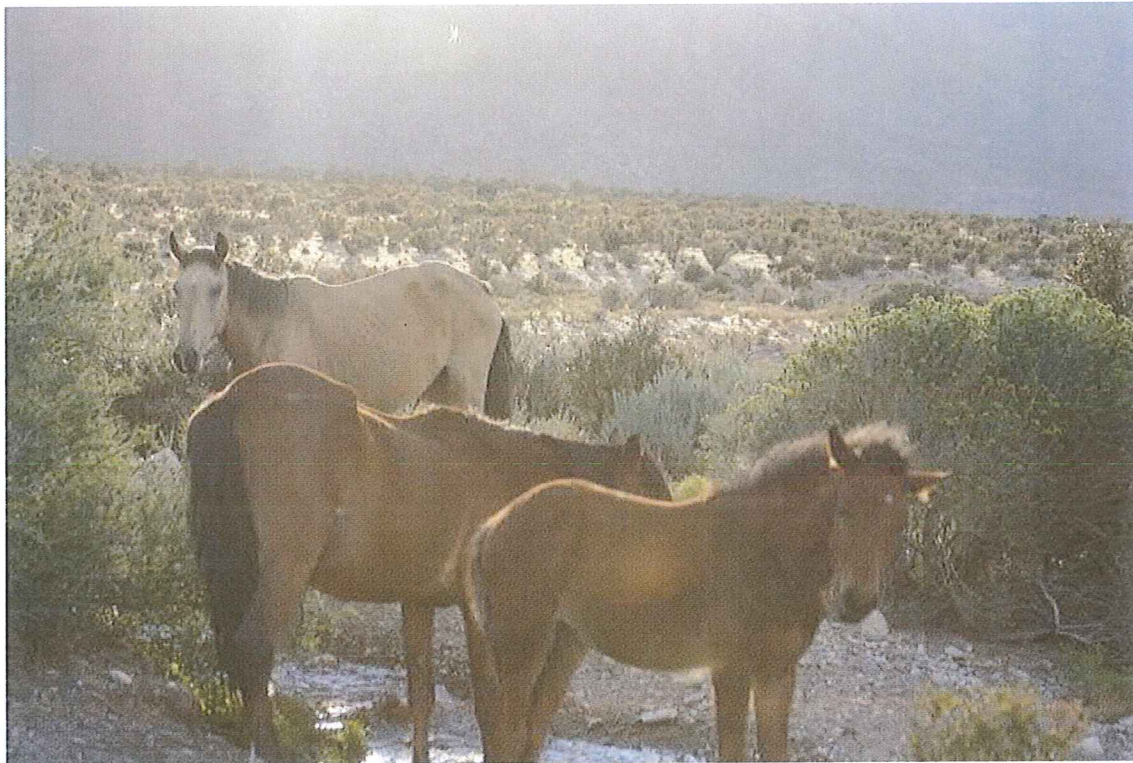


Photo obtained from Eureka County Dept. of Natural Resources - taken at Cold Creek HMA, Eastern Nevada, 2012.

Impacts to Landscape and Ecology

The photo below shows horses at the Deer Springs Area Conveyance in Eastern Nevada. Ribs and other bones show the poor body condition and compromised physical health of the horse due to insufficient forage. Horses in this condition are ill prepared for winter months. The photo also shows a spring that has been completely denuded by horses as well as “stomped down” so that the water is no longer accessible.



Mare and foal at Deer Spring conveyance (September 2010). Permitted livestock season of use is from 11/1 to 5/15.¹

¹ “Antelope Complex Capture Plan And Environmental Assessment,” United States Department of the Interior, Bureau of Land Management, Wells and Schell Field Offices, November 2010, page 27.

In the photos below, the population of wild horses in this geographic area was at 142% - 239% of what the BLM had determined was sustainable. This was an area within which livestock use had not “generally occurred ... since 1994.”² Grazing that has occurred is permitted for use during the dormant season only. The degraded condition of the native salt desert shrub plant community due to the overuse from horses is apparent.



Photo by Callie Hendrickson – taken at Fish Creek Allotment, Antelope Valley, Eureka County, NV, July 2012.



Photo by Callie Hendrickson – taken at Fish Creek Allotment, Antelope Valley, Eureka County, NV, July 2012

² “Fish Creek Complex Conformance Determination”, Bureau of Land Management, Battle Mountain, Nevada, District, June 2004, page 100.

Environmental Impacts ~ Sheldon National Wildlife Refuge

In the Sheldon National Wildlife Refuge in Northwestern Nevada the U.S. Fish and Wildlife Service has documented extensive resource damage resulting from the overpopulation of wild horses. Please follow the link below to U.S. Fish and Wildlife webpage on wild horse and burro management in the Refuge. The page includes data as well as pictures illustrating damaged riparian areas and native vegetation and wildlife, in an area with no livestock grazing.

<http://www.fws.gov/sheldonhartmtn/Sheldon/horseburro.html>

Documentation of Overpopulation

The Diamond Complex consists of the Diamond, Diamond Hills North, and Diamond Hills South HMAs in Eureka, Elko, and White Pine Counties in Nevada. The HMAs border one another and wild horses move east-west and north-south through the HMAs throughout the seasons. The upper range Appropriate Management Level (AML) for the entire Diamond Complex is 210 horses. In November 2012, the BLM estimated the horse population of the Diamond Complex to be 813 horses, or 387% of the established AML, with an additional 311 horses outside of the Diamond Complex HMA boundaries. The horses outside the HMA cause public safety issues by congregating on the Strawberry Highway, and several have been hit by vehicles. All of the ranchers on the Diamonds have taken reductions in grazing allotments (the grazing duration and/or number of cattle they are allowed to have on the range) due to drought conditions and horse impacts, yet horse populations have not been managed or reduced even down to the BLM-determined levels that can be sustained by the ecology of the Diamond Complex. One ranching family on the Diamonds was so severely overrun by wild horses on their allotment, over multiple years, that they were unable to continue grazing and were forced out of the ranching business altogether.

Between January 18 and February 7, 2013 the BLM gathered 792 horses from the Diamond Complex. More horses were gathered than anticipated due to poor physical health as well as compromised range conditions. The BLM estimated 78 horses remained on the entire Complex after the gather; however, to better understand the number of horses remaining on the Complex, the BLM completed a census flight in July, 5 months after the gather was completed. What the census found was that a much greater number of horses remained on the Complex than the BLM had estimated – they counted at least 450 horses...a number that was 214%-233% of AML.

~ Source, Eureka County, Contact: Jake Tibbitts, (775) 237-6010

Feral Horses

Finally, please see the attached article containing information as well as photographs, from a publication of the Wildlife Society (TWS), the internationally recognized professional organization for certified wildlife biologists. TWS has passed a resolution³ calling for very aggressive action to manage wild horses, based on the threat they pose to wildlife and western ranges. TWS refers to the animals not as wild, but instead feral, horses, based on their status as a non-native species that are not a natural part of the existing Western ecosystem.

³ http://joomla.wildlife.org/documents/policy/feral_horses_1.pdf

4D

Review of
Director's Powers
and Authorities

DIRECTOR POWERS and Duties

NRS 561.145 General powers and duties.

1. The Director shall direct and supervise all administrative and technical activities of the Department, and all programs administered by the Department as provided by law. Except as otherwise provided in NRS 284.143, the Director shall devote his or her entire time to the duties of the Director's office, and shall follow no other gainful employment or occupation.

2. The Director may, within such limitations as may be provided by law, organize the Department into divisions and, from time to time, alter that organization and reassign responsibilities and duties as the Director may deem appropriate.

3. The Director shall:

(a) Coordinate the activities of the divisions of the Department.

(b) Report to the Board upon all matters pertaining to the administration of the Department.

(Added to NRS by 1961, 498; A 1993, 1723; 1995, 2317; 1999, 3657; 2013, 1631)

NRS 561.146 Issuance and enforcement of subpoenas.

1. Whenever the Director is authorized or required by law to conduct a hearing, the Director may issue subpoenas requiring the attendance of witnesses before him or her, together with all books, memoranda, papers and other documents relating to the matters for which the hearing is called, and take depositions within or without the state, as the circumstances of the case may require.

2. The district court in and for the county in which any hearing is being conducted by the Director may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpoena issued by the Director.

3. In case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, the Director may report to the district court in and for the county in which the hearing is pending by petition, setting forth:

(a) That notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpoenaed in the manner prescribed in this section; and

(c) That the witness has failed and refused to attend or produce the papers required by subpoena before the Director in the hearing named in the subpoena, or has refused to answer questions propounded to him or her in the course of the hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers before the Director.

4. The court, upon petition of the Director, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, and then and there show cause why the witness has not attended or testified or produced the books or papers before the Director. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the Director, the court may thereupon enter an order that the witness appear before the Director at the time and place fixed in the order and testify or produce the required books or papers, and upon failure to obey the order the witness must be dealt with as for contempt of court.

(Added to NRS by 1967, 420; A 1981, 89; 1993, 1723; 1999, 3657)

NRS 561.147 Prohibition or restriction of movement of infested article; treatment to devitalize or sterilize. If any feed, grain, hay, machinery or other article is found to be infested with, or the possible carrier of, the propagating parts of any noxious weed, injurious insect pest or plant disease, and the Director determines that movement of the article into any area of the State will be damaging or will

jeopardize the agricultural industry of the area, the Director may prohibit or restrict movement of the infested article or may prescribe treatment to devitalize or sterilize the infested article.

(Added to NRS by 1965, 31; A 1993, 1724; 1997, 484; 1999, 3658)

NRS 561.148 Participation in investigation and prosecution of theft or destruction of livestock; inspections. The Director may participate in the investigation and prosecution of any suspected theft, mutilation or malicious destruction of livestock, and may temporarily stop the movement of livestock and carcasses for the purpose of inspection.

(Added to NRS by 1967, 282; A 1993, 1724; 1999, 3658)

5

Administration

5A

Administration Update to Board

5B

Request Board
Approval to
Adopt ADM
Policies 2 and 3

*Possible Action

NEVADA DEPARTMENT OF AGRICULTURE
TELEPHONE USE POLICY
POLICY #AG-2-ADM-2

PURPOSE:

The purpose of this policy is to promote the responsible use of telephones and wireless communications devices, and to provide guidance for the use of such devices.

While the Department provides telephones and wireless communications devices, and permits the purchase of wireless service to further the Department's mission, it also desires that use of these devices be cost-effective and properly managed. This policy details responsibilities of employees with regard to use of telephones and wireless communications devices.

POLICY:

The Department provides telephone and wireless communications services for staff in support of mission-related activities and promotes the cost-effective, appropriate and secure use of those devices.

SCOPE:

This policy applies to all employees of the Department of Agriculture.

REFERENCES:

NRS 281.121, NRS 289.800, NRS 608.165, SAM 1614, SAM 1616 and in accordance with State Budget Procedures,

PROCEDURES:

1. Overview

The primary use of the State telecommunication equipment and services is to be for official business and to support the Department's mission.

Telecommunication systems are state resources and must be used and managed in the most responsible and cost effective manner and always in the best interest of the State.

All employees are responsible for the proper and professional use of State telecommunications systems and to adhering to all policies, standards, and guidelines for their use.

Employees should always use telephone directories or Internet directory web sites to determine business-related telephone numbers rather than calling fee-based directory assistance operators.

2. Office or Landline Telephone Set Up, Updates, or Service

Employees should contact the Department of Agriculture's Technology Administration office for landline telephone setup, updates or service requests. This office will be the single point of contact for these requests, and will be responsible for combining and coordinating with Enterprise Information Technology Services (EITS) for the requests to minimize the number of service calls.

3. Cellular Telephones

State owned cellular telephone and services are Department resources and will be made available when there is a justified business need.

Division Administrators will determine if an employee needs a state sponsored cellular telephone and will determine which special options and non-base features are needed as well. For new employees the Division Administrator will include the need for a cellular telephone on the New Employee Technology Requisition Form, and must provide the justification for the device. The Accounting Assistant III in the Administration Division orders and tracks the Department's cell phones. The Director and Deputy Directors are pre-justified for cellular telephones and service. The Deputy Director will determine the need for cellular telephones for the Division Administrators.

Staff can research state cell phone plans on the State Purchasing site. Employees with cellular telephones will not exceed the monthly cost of the wireless service plan. Roaming charges will be avoided if possible.

If an employee exceeds the monthly cost of the wireless service plan and it is deemed that the costs were due to personal use the employee may be required to reimburse the Department for the charges.

4. Reimbursement for State business call placed from personal cellular telephone

The Department will reimburse employees for the cost of all State business calls placed from their personal cellular telephone. In order to be reimbursed, the employee must submit a copy of their bill to the Fiscal administration with the business calls highlighted and justification for why these calls were made. The Department will not reimburse any portion of the monthly service charges associated with personal cellular telephones nor will the State accept any fiscal or legal liability for a personal cellular telephone used for business.

Employees should refrain making business calls on personal cellular phones and will not be reimbursed if a frequent pattern of placing business calls using their personal cell phones is identified.

5. Return State Cellular Phones upon Leaving Department

If an employee with a cell phone leaves the Department or transfers within the Department, the employee is required to turn the cellular telephone over to the supervisor as specified in the Exit Checklist. The supervisor must advise the Accounting Assistant III in the Administration Division that an employee has terminated or changed positions so the account can be discontinued. The cellular telephone does not automatically transfer with an employee or to a new incoming employee, but rather the supervisor must evaluate if the employee needs a cellular telephone for use in the course of the employee's duties.

6. Security and Conduct

Employees have an obligation to use their wireless communications services in a responsible, informed and safe manner; conforming to network etiquette, customs, courtesies, safety practices and any applicable laws or regulations. Employees using wireless communications devices are responsible for securing them at all times. All losses shall be reported immediately to the designated departmental representative.

7. Personal Calls

Employees may make and receive a limited number of personal calls during work hours from their state land line phones but not from State owned cellular phones. Per SAM 1616 personal phone calls are not to be placed or received from State owned cellular telephone except in an emergency. When personal phone calls are placed, the employee will reimburse the State within five (5) working days of receipt of bill from the Division for all costs associated with the personal phone calls.

Personal calls are those determined not to be necessary in the interest of the Department. In making personal calls, employees shall ensure that:

The calls do not adversely affect the performance of official duties or the employee's work performance.

The calls do not adversely affect the working environment of co-workers. In shared space or cubicle space employees should make an effort to take personal phone calls in an area that does not affect other's working environment.

The calls are of reasonable duration and of limited frequency. Supervisors and managers shall determine whether brief personal telephone calls are of reasonable length based on the employee's work schedule, co-worker needs, office work demands, length of work day, etc.

All long-distance personal calls are made at their own expense (i.e., charged to personal calling or credit cards, home telephones, or other non-State telephone numbers).

Employees may not make purely personal long-distance calls expecting to reimburse the Department later.

Collect calls to a Department telephone will not be accepted.

Employees are not to place 900-service calls from State telephones at the State's expense.

Employees must use cost-effective telecommunications services to contact locations outside the contiguous United States and overseas. Access to international telephone services should be restricted to only those employees who require such services as part of their official duties.

8. Motor Vehicle Laws

In accordance with NRS 484B.165 using a handheld wireless communications device to type or enter text, send or read data, engage in non-voice communication or engage in voice communications without use of a hands free device is unlawful.

A person shall not drive a state motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication.

As used in this section "write, send, or read a text-based communication" means using an electronic wireless communications device to manually communicate with any person using a text-based communication, including, but not limited to, communications referred to as a text message, instant message, or electronic mail.

For purposes of this section, a person shall not be deemed to be writing, reading, or sending a text-based communication if the person reads, selects, or enters a telephone number or name in an electronic wireless communications device for the purpose of making or receiving a telephone call.

This does not apply to a driver who is

- Receiving messages related to the operation or navigation of a motor vehicle; safety-related information including emergency, traffic, or weather alerts; data used primarily by the motor vehicle; or radio.
- Using a device or system for navigation purposes.
- Conducting hands-free wireless interpersonal voice only communication that does not require manual entry, except to activate, deactivate, or initiate a feature or function.

POLICY COMMUNICATION:

This policy will be made available to all employees within the Department of Agriculture and to the public.

DIRECTOR'S POLICY AUTHORIZATION:

Jim R. Barbee, Director

Date

APPROVED BY THE BOARD OF AGRICULTURE ON

Effective Date

DRAFT

NEVADA DEPARTMENT OF AGRICULTURE
UNIFORMS
POLICY #AG-2-ADM-3

PURPOSE:

The purpose of this policy is to provide guidelines to Department personnel for budgeting, ordering, purchasing, and wearing uniforms provided to them by the Department.

POLICY:

It is the policy of the Department to provide a distinctive uniform to its employees as determined by the Department's uniform schedule and standards established within this policy. A distinctive uniform promotes uniformity and professionalism in appearance and aids the public in identifying the wearer as a Department employee. It is the policy of the Department that employees will wear the Department uniform in conformance with this policy and procedure.

The Department of Agriculture intends that its uniforms and the manner in which the uniform is worn reflect positively on the agency. When representing the agency it is the employee's responsibility to wear the proper attire and that this attire is in good condition. Supervisory personnel are also responsible to insure that employees abide by the provisions of this policy.

Failure to comply with this policy shall be cause for disciplinary action, in accordance with procedures specified in the Nevada State Administrative Manual.

SCOPE:

This policy applies to all employees of the Department of Agriculture.

REFERENCES:

NRS 281.121, NRS 289.800, NRS 608.165

PROCEDURES:

Uniform Specifications, Budget, Schedule and Life Expectancy

Uniform Color and Logo(s) Determination

The color of the Department's uniforms and the logos to be incorporated as part of the uniform will be determined by the Director's office. Any variation to the colors and logos not approved in writing by the Director's office will not be considered to be an official Department of Agriculture uniform and will have to be paid for by the employee at their own cost.

Uniform Schedule and Budgeting Process

At the beginning of each budget cycle, the Department submits a uniform schedule that lists the requirements of the uniformed staff and the associated costs for negotiations and for approval by the State of Nevada's Budget Division.

The uniform schedule submitted to the Budget Division assigns the Department's different position groupings to a uniform group and each uniform group is assigned to a different uniform package. Each uniform package list out the particular clothing items that make up that packages and itemizes the costs. (See Table 1-1 for current uniform schedule).

The negotiated Uniform Allowance consists of two components: replacement costs and new costs. The new costs of a uniform are based on information provided by the Department in addition to a review of existing statewide/ agency specific contracts, which have been completed under the auspices of the State Purchasing Division. The replacement costs are then based on the new costs divided by the life expectancy of each item (See Table 1-2 for life expectancy of uniform items)

Table 1-1

Package	Positions	Description
A	Warehouse Drivers, Environmental Specialists, Entomologist, Plant Pathologist, Agricultural Inspectors, Environmental Scientist, Agriculturist, Weights and Measures Inspector 2 and 3, Grants and Projects Analyst, Program Officer I (Plant), and Agriculture Enforcement Officer, and Field Assistant 2 (PARC)	1 lightweight Jacket, 1 work jacket, 1 hat, 5 winter shirts, 5 summer shirts
B	Division Administrator (Plant), Division Administrator (Animal), Plant Industry Regional Mgr., Agriculture Marketing Coordinator, Weights and Measures Inspector 4, Program Officer I (Administration).	1 lightweight Jacket, 1 work jacket, 1 hat, 2 winter shirts, 2 summer shirts
C	Agriculture Enforcement Officer	1 name tag, gold, 1 badge
D		Not currently used
E	Agriculture Enforcement Officer	1 cartridge case, 1 set handcuffs, 1 handcuff case, 1 holster
F	Division Administrator (Weights and Measures), Metrologist, Fiscal Administrator (So. Office Administrator), Deputy Director, Public Information Officer II, Literacy Coordinator, and Director	1 lightweight Jacket, 1 work jacket, 1 hat, 1 winter shirt, 1 summer shirt

Table 1-2

Uniform Item	Life Expectancy
Lightweight Jacket	2 Years
Work Jacket	4 Years
Hat	1 Year
Winter Shirt	2 Years
Summer Shirt	2 Years

Uniform Purchasing Process

Statewide/Agency Contracted Vendor

All contracts with contracted vendors to provide uniforms to Department personnel must include provisions for returning uniforms and receiving refunds for vendor mistakes, ill-fitting uniforms, mistaken order quantities, or wrong uniform sizes, colors, or logos.

Uniform Orders and Order Tracking

All uniforms orders must be processed through the Department's Fiscal staff. Uniform orders placed by non-fiscal staff will with the approval of a supervisor or Division administrator will either have to be returned to the vendor or if items cannot be returned the approving supervisor or approving Division Administrator must reimburse the Department within 30 days of receiving notice for repayment.

The fiscal position responsible for processing orders is the Accounting Assistant 2 (PCN 000020). All requests for uniform orders must done on the Department's local purchase order form signed by their administrator and the fiscal officer overseeing that particular budget account. Once the Accounting Assistant 2 position receives the order they will verify that orders are in conformance with the approved items on the current Uniform Schedule. If requested items reconcile to the Uniform schedule, the Accounting Assistant 2 position will place the order with the existing statewide/agency contracted vendor.

The Accounting Assistant 2 position is also responsible tracking orders. This report should list the date of the order, the order number, the number items ordered, noting whether the items is a new uniform order or replacement order, listing out the items ordered, noting when the order was received and distributed.

New Employee Orders

All new employees (see Table 1-1 to see which position are eligible) whose work requires them to work out in the field or in the public on a regular basis need to make their uniform orders within the first 7 days of employment.

Request for uniform items not on the schedule, outside of uniform group or replacing uniform items before end of useful life

Employees should keep their uniforms in serviceable condition; which means not excessively worn looking, not have holes, and be presentable according to the duties of the day. Supervisors will use discretion to determine when uniform items will be replaced, i.e. according to the life expectancy of the item as described in this policy, or upon it wearing out, whichever is first.

Request for uniform items not on the uniform schedule or outside the employee's uniform group will be considered on a case by case basis. The employee will need to attach a memo to the signed local purchase order justifying the need for the uniform item. The justification needs to specify the particular item the employee wants to purchase, identify the vendor, and the list the items cost. The Management Analyst III (PCN 0042) position will be the final approval or final disapproval on all non-scheduled uniform requests for Sparks/Elko employees and the ASO III (PCN 0004) will be the final approval or final disapproval for all non-schedule driven uniform requests for Las Vegas employees.

The Department does recognize that despite an employee's best efforts that not all wear and tear can be prevented or from time to time uniform items do get lost. Therefore, each employee is allowed to replace one (1) uniform item if needed before the end of its useful life per year. This applies to all uniform items, except for boots and jackets. Replacement of more than one item in a year will have to be paid for out of pocket by the employee.

Replacement of boots or jackets before the end of their useful will be considered on a case by case basis and will require a written justification for their replacement. The employee will need to attach a memo to the signed local purchase order justifying the need for the replacement boots or jacket (PCN 0042). The Fiscal Administrator (PCN 0003) will be the final approval or disapproval for these types of boot or jacket replacement requests.

All uniform items to be replaced are to be turned into fiscal staff, position Accounting Assistant II before the approved replacement order can be placed.

Receipt and Distribution

All uniform orders will be by the Accountant III position (BA 2691 PCN 0020). Upon receipt of the order, the Accountant Technician III position will reconcile the order form to the packing slip to verify the correct item(s), quantity, size were ordered as well as verify the dollar amount is correct.

Once this has been verified the Accounting Assistant 2 position will distribute this uniform items to the appropriate staff member. Once the employee receives the uniform items and removes them from the packaging, they are required to inspect the uniform items before wearing them. Employees are required to verify that the color and logos are correct, verify that the logos are correctly located, the size is correct. If there are any

discrepancies, the employee shall not wear the uniform item and should return the uniform item(s) immediately to the Accounting Assistant 2 position so that items can be returned right away and be reordered or be refunded

If the employee tries on the uniform items for the first time and notice that the uniforms are the wrong size, ill-fitting or uncomfortable they shall not continue to wear the item and should return the uniform item(s) immediately to the Accounting Assistant 2 so that items can be returned right away and be reordered or be refunded.

Return and Refunds

If for any reason a return is required, the employee will contact the Administration Division who will return the items according to the instructions from the vendor.

Prohibition of Resale

Department of Agriculture uniforms are to be purchased only for official purposes for Department of Agriculture employees and cannot be resold to outside parties or be sold for marketing purposes or for a profit by state employees.

How and When to Wear the Uniform

Uniform Appearance and Maintenance Standards

Employees should keep their uniforms in serviceable condition; which means not excessively worn looking, not have holes, and be presentable according to the duties of the day. Supervisors will use discretion to determine when uniform items will be replaced, i.e. according to the life expectancy of the item as described in this policy, or upon it wearing out, whichever is first.

All clothing worn on duty shall be neat, clean, in good repair, and serviceable for the job being performed.

Note: Serviceable condition means not excessively worn looking, not have holes, clean, neat, and not wrinkled to start the day. Working in the field may alter the uniform as the duties progress.

Law Enforcement Personnel

Law or Agricultural Enforcement have a unique relationship with the public and need to maintain the following standards for uniforms as listed below:

Shoes – Law Enforcement will wear the brown boots when wearing jeans.

Badges - Uniform items that have law enforcement emblems embroidered or sewn on (badges) are available only to law enforcement personnel. The Department will supply two metal badges for each deputized employee. The Director may authorize cloth sew-on or embroidered badges for other garments.

Name Plate - Gold name plate provided by the Department will be worn on the right side of the shirt.

Soft body armor will be worn by law enforcement employees in accordance with Department directive.

Pistols and Leather Goods will be worn by law enforcement employees only as approved and/or supplied by the Department.

When Uniforms Should be Worn

All personnel assigned a uniform shall wear the uniform when appropriate. Uniforms assigned to field personnel (e.g., Weights and Measures Inspectors, Agricultural Inspectors, Driver Warehouse Worker, Brand Inspectors, etc.) shall be worn while on official duty, except under the following conditions:

- Traveling to and attending seminars, conferences, or meetings, unless the uniform is appropriate dress.
- When engaged in special tasks for which other clothing would be more suitable as determined by the supervisor.

Hat - Uniformed personnel are not required to wear a hat while on duty, however any of the approved uniform hats may be worn (no unauthorized hat will be worn). Hats will be clean, neat and unaltered.

Prohibitions

Wearing the uniform is prohibited:

- 1) When off duty, except when traveling to/from assigned duty location.
- 2) If the agency logo is not a current logo, or the agency name is not current

Return of Uniform Items upon leaving Department

Upon separation from the Department, all uniform items will be turned in to the immediate supervisor, unless arrangements are made for personal use. Any items not turned in must have the badges and patches removed before separation from the Department.

POLICY COMMUNICATION:

This policy will be made available to all employees within the Department of Agriculture and to the public.

DIRECTOR'S POLICY AUTHORIZATION:

Jim R. Barbee, Director

Date

APPROVED BY THE BOARD OF AGRICULTURE ON

Effective Date

6

Plant Industry

6A

Plant Industry Update to Board

6B

Request Board Approval
For Adoption of
Permanent Revisions to
NAC 555.250 through
NAC 555.700

*Possible Action

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066

Informational Statement

LCB File No. R033-14

1. A clear and concise explanation of the need for the adopted regulation.

The need for the adopted regulation is to streamline the operations of the Pest Control Operator Licensing and Enforcement Program in order to better regulate the commercial pest control industry and increase fees for the Restricted Use Pesticide (RUP) certificate program. In particular, the following regulation changes were adopted:

- 1) Defined the term "spot treatment" which is found on many pesticide labels to clarify the meaning for applicators and to simplify enforcement,
- 2) Combined the weed control section of the Ornamental, Tree and Turf license category with the weed control section of the Right of Way category to create a single Weed category, streamlining examination, licensing, and enforcement,
- 3) Added a Location Principal to identify the person responsible at each pesticide business location to streamline communications and enforcement,
- 4) Clarified and strengthened the authority for the Director of the Nevada Department of Agriculture (NDA) to assess administrative fines and penalties against persons or entities conducting the custom application of pesticides without a license in order bring unlicensed persons and entities into compliance,
- 5) Clarified that in the case of a pesticide spill, the person or entity that made the spill is responsible for cleanup of the spill and define the reportable amounts of pesticide spill so that spills are cleaned up and reported properly,
- 6) Amended the regulations to allow the NDA Pest Control Operator Licensing and Enforcement Program to accept electronic forms and electronic signature to simplify administration of the program and to reduce costs to both the state and the industry,
- 7) Increased the once-every-four-years fee for the RUP certificate in order to better cover the costs of administering the program, and
- 8) Made minor editorial clarifications.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Thirty days before the hearing date, a *Notice of Intent to Act Upon a Regulation* in regards to the proposed regulations was

- 1) Posted to the NDA web site, NDA offices in Sparks, Las Vegas, and Elko,
- 2) Posted at public libraries in all Nevada counties,
- 3) Emailed to the following NDA on-line mailing lists: all NDA licensed pest control business and operators in northern and southern Nevada (619 persons or entities) and all Nevada RUP certificate holders (743 persons) all NDA pest control operator program continuing education provider contacts (137 persons or entities), all persons and entities on the NDA Pesticide Laboratory interested person list (605 persons or entities).
- 4) Announced at the Nevada Pest Control Association quarterly meeting (44 members attending).

One public hearing was held on May 21, 2014 at the NDA Las Vegas office with video link to NDA offices in Sparks and Elko. There were 9 attendees in Las Vegas (including 4 NDA employees), and 2 attendees in Sparks (including 1 NDA employee), 0 attendees in Elko, (and one attendee by phone from the Attorney General's Office in Carson City). All comments were recorded in an audio/visual file; a copy of the audio file can be obtained by contacting the NDA, attention Kathleen Bednarz, at the NDA Las Vegas office.

To summarize, there were three public comments. One comment was in support of the NDA amending the regulations to allow for the receipt of electronic forms, especially the Wood Destroying Pest Inspection Report. A second comment was in regards to the definition of spot treatment, which was clarified. A third comment was in regards to the combination of the weeds section of the current Ornamental, Tree and Turf pest license category with the weed section of the current Right of Way category into a single Weed category. The comment was that grandfathering pest control operators holding the current license for Ornamental, Tree and Turf and/or Right of Way into the new Weed category would open the way for Right of Way operators to be licensed to do weed control in lawns and gardens without proper training.

3. **The number of persons who:**
 - (a) **Attended each hearing:** 12 including 6 state employees
 - (b) **Testified at each hearing:** 3
 - (c) **Submitted written comments:** 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) **Name;** John Fortanini
 - (b) **Telephone number;** 702-400-4778
 - (c) **Business address;** 5470 Arville St, Suite 201, Las Vegas NV
 - (d) **Business telephone number;** 702-597-9760
 - (e) **Electronic mail address;** jfontanini@rollins.com
 - (f) **Name of entity or organization represented:** Orkin.
 - (a) **Name;** Rick Rutkey
 - (b) **Telephone number;** 702-251-5559
 - (c) **Business address;** 3400 W. Desert Inn Rd # 23, Las Vegas NV
 - (d) **Business telephone number;** 702-251-5559
 - (e) **Electronic mail address;** rrupkey@senske.com
 - (f) **Name of entity or organization represented:** Senske Pest Control.
 - (a) **Name;** Timothy Plants
 - (b) **Telephone number;**
 - (c) **Business address;** PO Box 5841, Fallon, NV
 - (d) **Business telephone number;** 775-423-7129
 - (e) **Electronic mail address;** ipm@cccomm.net

(f) **Name of entity or organization represented: Integrity Pest Control.**

5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Same as question 2 above.

6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

There were no comments given that substantially changed the meaning or scope or intent of the proposed regulations.

7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**

(a) **Estimated economic effect on the businesses which they are to regulate.**

Little to no economic effect on the regulated businesses. Many of the proposed changes were requested by industry. The use of electronic forms and signatures should decrease costs to industry. The increase in the once-every-four-years RUP fee amounts to only \$6.25 per year to the certificate holder.

(b) **Estimated economic effect on the public which they are to regulate.**

No economic effect on the public.

8. **The estimated cost to the agency for enforcement of the proposed regulation:**

Some savings may accrue to the NDA from streamlined examinations, training, and enforcement. Savings will accrue to the NDA from raising the fee for the Restricted Use Pesticide certificate to recover costs of administering the program.

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

No duplication or overlap of regulations of other state or federal agencies.

- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

Not more stringent than federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

By increasing the fee for the Restricted Use Pesticide certificate, the NDA expects to collect an additional \$8,250 per year that will go to offsetting costs of administering the program.

7

Consumer Equitability

7A

Consumer
Equitability
Update to Board

7B

Oil Testing Program Update

7C

Request Board
Approval to Adopt
Department Policy
AG-HR-19
Alcohol and Controlled
Substances Testing
Program

*Possible Action

NEVADA DEPARTMENT OF AGRICULTURE

MOTOR CARRIER PART 382

ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM

POLICY #AG-1-HR-19

POLICY COMMUNICATION:

All supervisors and managers of the Department of Agriculture will provide their employees with a copy of this policy, when applicable. Employees needing clarification should contact their supervisor or AHRs for assistance.

DIRECTOR'S POLICY AUTHORIZATION:

Jim R. Barbee, Director

Date

APPROVED BY THE BOARD OF AGRICULTURE ON _____.
Effective Date

This policy is not a substitute for relevant law or regulation nor does it establish additional rights beyond those provided in law and regulation. This policy is intended to be used in conjunction with the state law and the Rules for State Personnel Administration (NRS & NAC 284).

DEPARTMENT OF AGRICULTURE
MOTOR CARRIER PART 382
ALCOHOL AND CONTROLLED SUBSTANCES TESTING PROGRAM

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DEPARTMENT OF AGRICULTURE

MOTOR CARRIER PART 382

ALCOHOL AND CONTROLLED SUBSTANCES TESTING POLICY

I. INTRODUCTION - PURPOSE

Department of Agriculture maintains a strong commitment to provide a safe, efficient, and productive work environment. Driver involvement with alcohol and/or controlled substances can be extremely disruptive and harmful to the workplace. It can adversely affect the quality of work and the performance of drivers, pose serious safety and health risks to the user, co-workers and the public, and have a negative impact on work efficiency and productivity.

Department of Agriculture is concerned that drivers are in a condition to perform their duties safely and efficiently, in the interests of our fellow workers, the public as well as themselves. It is the purpose of this policy to eliminate substance abuse and its effects in the workplace.

Department of Agriculture is also required to comply with Federal regulations pertaining to the attainment and maintenance of an Alcohol and Controlled Substances-Free Workplace. These requirements are outlined by the U.S. Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA), under Title 49 CFR Part 382 and Part 40. The purpose of this program is to reduce accidents that result from the use of alcohol and/or controlled substances, thereby reducing fatalities, injuries and property damage.

II. DRIVERS SUBJECT TO ALCOHOL AND CONTROLLED SUBSTANCES TESTING

The alcohol and controlled substances testing program applies to all Department of Agriculture drivers who are licensed to operate a commercial vehicle that:

- Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds;
- Has a gross vehicle weight rating of 26,001 or more pounds;
- Is designed to transport 16 or more passengers; or
- Is of any size that is used to transport hazardous materials which require the vehicle to be placarded under the hazardous materials regulations.

This includes, but is not limited to: full-time drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors. This program shall not apply to drivers who are granted a Federal or State waiver (i.e. emergency response vehicles) as outlined in Part 382.103.

III. SAFETY-SENSITIVE FUNCTIONS

A driver shall not use alcohol when performing safety-sensitive functions or perform safety-sensitive functions within four hours of using alcohol. A driver shall not report for duty or remain on-duty when his or her job requires performing safety-sensitive functions if he or she has been using controlled substances or has tested positive for controlled substances use.

A driver is performing a safety-sensitive function when:

- All times at an employer terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time performing pre-trip inspections, general inspections, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle, except time spent resting in a qualified sleeper berth;
- All time loading or unloading the vehicle, supervising, or assisting the loading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the motor vehicle, or in giving or receiving receipts for shipments loaded and unloaded;
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

IV. PROHIBITED CONDUCT

The following shall be considered "prohibited conduct" for purposes of this program:

- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of .04 or greater. No employer having actual knowledge that a driver has an alcohol concentration of .04 or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- No driver shall use alcohol while performing safety-sensitive functions. No employer having actual knowledge that a driver is using alcohol while performing safety-sensitive functions shall permit the driver to perform or continue to perform safety-sensitive functions.
- No driver shall perform safety-sensitive functions within four hours after using alcohol. No employer having actual knowledge that a driver has used alcohol within four hours shall permit a driver to perform or continue to perform safety-sensitive functions.
- No driver required to take a post-accident alcohol test shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- No driver shall refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. No employer shall permit a driver who refuses to submit to such tests to perform or to continue to perform safety-sensitive functions.
- No driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when use is pursuant to the instructions of a licensed medical practitioner (382.107) who has advised the driver that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. No employer having actual knowledge that a driver has used a controlled substance shall permit the driver to perform or continue to perform a safety-sensitive function.
- No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. No employer having actual knowledge that a driver has tested positive or has adulterated or substituted a test specimen for controlled substances shall permit the driver to perform or continue to perform safety-sensitive functions.

V. DRIVER VOLUNTARY SELF-IDENTIFICATION PROGRAM

Department of Agriculture is supportive of drivers who come forward voluntarily to seek assistance for alcohol misuse or controlled substance use. Drivers who admit to alcohol misuse or controlled substance use will not be subject to the referral, evaluation and treatment requirements as outlined in 49 CFR Part 382 and Part 40 provided that: the driver does not self-identify in order to avoid testing under the requirements; the driver makes the admission of alcohol misuse or controlled substance use before performing safety-sensitive functions; and the driver does not perform a safety-sensitive function until Department of Agriculture is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements as determined by a controlled substance and alcohol evaluation expert. The employee must also provide a negative controlled substance test and/or an alcohol test result of less than .02 before participating in a safety-sensitive function. No adverse action will be taken against a driver making a voluntary admission of alcohol misuse or controlled substance use as long as he/she complies fully with the requirements of the self-identification program.

VI. ALCOHOL AND CONTROLLED SUBSTANCES TESTING

Pursuant to regulations promulgated by the Department of Transportation, drivers will be subject to the following types of controlled substances testing: **1)** pre-employment testing, **2)** reasonable suspicion testing, **3)** post-accident testing, **4)** random testing **5)** return to duty testing and **6)** follow-up testing.

1. Pre-Employment

Prior to the first time a driver performs safety-sensitive functions, the driver shall undergo testing for controlled substances as a condition of employment. The driver will not be allowed to perform safety-sensitive functions until Department of Agriculture has received a verified negative controlled substance test from the Medical Review Officer (MRO). Department of Agriculture may choose not to require a driver applicant to submit to a pre-employment test if Department of Agriculture can verify that the driver has participated in a valid controlled substances testing program within the preceding 30 days and while participating in that program was either tested within the past 6 months (from the date of application) with their previous employer or participated in a random controlled substances selection program for the previous 12 months (from the date of application) with their previous employer. Department of Agriculture will verify that no prior employer of the driver has records indicating a violation of any DOT rule pertaining to controlled substances use.

2. Reasonable Suspicion Testing

A driver shall be required to submit to an alcohol and/or controlled substances test when Department of Agriculture has reasonable suspicion to believe that the driver has violated the prohibitions of the alcohol and controlled substances program. Department of Agriculture's determination that reasonable suspicion exists to require the driver to undergo testing will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include the indications of the chronic and withdrawal effects of alcohol/controlled substances. The required observations for alcohol and/or controlled substances testing shall be made by a supervisor who is trained in accordance with 382.603. A driver may be directed by Department of Agriculture to only undergo reasonable suspicion alcohol testing while the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing such functions. A driver may be directed by Department of Agriculture to undergo reasonable suspicion controlled substances testing at any time during work hours. If a reasonable suspicion alcohol test is not administered within two hours Department of Agriculture shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight hours Department of Agriculture shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. The supervisor who makes the determination that reasonable suspicion exists will not conduct the driver's breath alcohol test.

A written record shall be made of the observations leading to a reasonable suspicion controlled substances and/or alcohol test, and signed by the supervisor who made the observations, within 24 hours of the observed behavior or before the results of the test are released, whichever is earlier. A driver who has been requested to submit to reasonable suspicion testing will be placed on administrative leave **(with or without pay)** pending receipt of the test results.

3. Post-Accident Testing

Federal regulations require that, as soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce, a driver shall submit to controlled substances and alcohol testing under the following circumstances: any time a fatality occurs as a result of the accident; anytime a driver receives a citation under State or local law for a moving violation as a result of the accident and the accident involves an injury to anyone which requires immediate medical treatment away from the scene; or anytime a driver receives a citation for a moving violation as a result of the accident and the accident involves disabling damage to any of the vehicles. Disabling damage means one or more vehicles had to be towed away or cannot be driven from the scene.

Department of Agriculture will require each driver to complete a post-accident report form that provides instructions to follow in completing any required alcohol and controlled substances testing. Drivers are then obligated to follow the instructions and see that the tests are conducted. Any driver subject to post-accident testing who leaves the scene of an accident before a test is administered other than for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care or who fails to remain readily available for testing may be deemed by Department of Agriculture to have refused to submit to testing.

In the event that Federal, State or local officials conduct a breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, these tests shall be considered to meet the DOT requirements, provided the tests conform to applicable Federal, State or local requirements. The employee will be required to sign a release allowing Department of Agriculture to obtain the test results from such officials.

If an alcohol test is not administered within two hours following the accident, Department of Agriculture shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If an alcohol test is not administered within eight hours following the accident, Department of Agriculture shall cease attempts to administer an alcohol test and shall prepare and maintain the same record. Records shall be submitted to the FMCSA upon request of the Associate Administrator. If the alcohol test is not completed in the required time frames, the driver cannot perform a safety-sensitive function until twenty four hours have elapsed following determination that reasonable suspicion existed and that the driver may have violated the prohibition or an alcohol test is administered with a result of less than .02.

If a controlled substances test is not administered within 32 hours following the accident, Department of Agriculture shall cease attempts to administer a controlled substances test, and prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FMCSA upon request of the Associate Administrator.

4. Random Testing

All drivers will be subject to random alcohol and controlled substances testing. The selection of drivers for random alcohol and controlled substances testing shall be made from a computer-based random number generator that is matched with the driver's computer-based code number. The random selection system provides an equal chance for each driver to be selected each time random selection occurs. Random selections will be unannounced and spread reasonably throughout the year. Random selection, by its very nature, may result in drivers being selected in successive selections or more than once in a calendar year. Alternatively, some drivers may not be selected in a calendar year. Department of Agriculture will controlled substances test, at a minimum, 50 percent of the average number of driver positions in each calendar year. Random controlled substances testing may be performed at any time while the driver is at work for the employer. Department of Agriculture will select, at a minimum, 10 percent of the average number of driver positions for random alcohol testing. Random alcohol testing will be limited to the time period surrounding the performance of safety-related functions. A driver will only be tested immediately before, during, or just after the driver has ceased performing such functions. If a driver is selected at random, the DER will notify the driver. Once notified, the driver must take action intended to lead to an immediate collection. If the driver engages in conduct which does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

5. Return-to-Duty Testing

Each driver who has engaged in prohibited conduct shall be advised by Department of Agriculture of the resources available to the driver in evaluating and resolving problems associated with the misuse of alcohol and controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and treatment programs. Department of Agriculture's responsibility is limited only to making a driver referral for assistance; all costs will be incurred by the employee.

Per DOT requirements, each driver who engages in prohibited conduct shall be evaluated by a substance abuse professional who shall determine what assistance the driver needs in resolving problems associated with alcohol misuse and controlled substances use. Before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in prohibited conduct, the driver shall undergo a return-to-duty alcohol test with an alcohol concentration of less than 0.02 if the conduct involved alcohol, or a controlled substances test with a verified negative result if the conduct involved a controlled substance and be subject to follow-up testing.

6. Follow-Up Testing

Per DOT requirements, each driver identified as needing assistance in resolving problems associated with alcohol misuse or controlled substances use shall be evaluated by a Substance Abuse Professional (SAP) to determine that the driver has properly followed any rehabilitation program, and shall be subject to unannounced follow-up alcohol and controlled substances tests administered by Department of Agriculture following the driver's return to duty. The number and frequency of such follow-up testing shall be as directed by the substance abuse professional, and consist of at least six tests in the first 12 months following the driver's return to duty. Any such testing shall be performed in accordance with the requirements of 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the driver's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary. All costs will be incurred by the employee.

VII. TESTING GUIDELINES

Alcohol Testing

Alcohol testing is done by testing breath, because breath is the most easily obtained bodily substance and the results are known within minutes of testing. The testing device is called an Evidential Breath Testing Device (EBT). The EBT is a scientific instrument which determines the concentration of alcohol expressed as "percent by weight". The weight of alcohol in the breath sample is determined and the quantity of the alcohol converted to its equivalent value in blood. A blood alcohol concentration (BAC) of .04 means one twenty-fifth of a gram of alcohol per 210 liters of breath. The EBT will print three copies of each test result and the test results are numbered. When the initial test results show a reading of .02 BAC or greater, a confirmation test is conducted. Before the confirmation test, a 15 minute waiting period will occur for the purpose of ensuring that the presence of mouth alcohol from recent use of food, tobacco, or hygiene products does not artificially raise the test result. The confirmation test is done on the same EBT as the first test. When the confirmation result is different from the initial test, the confirmation test result will always be used to determine driver consequences. The driver will be given a copy of the breath alcohol testing form.

Controlled Substances Testing

The controlled substances testing program required by the regulations is limited to five controlled substances types: (1) Marijuana, (2) Cocaine, (3) Opiates, (4) Amphetamines and (5) Phencyclidine (PCP).

As set forth in 49 CFR Part 40, all controlled substances testing is done from urine specimens collected under highly controlled conditions. The driver provides a urine specimen in a location that affords privacy and the "collector" seals and labels the specimen, completes a chain of custody document and prepares the specimen and accompanying paper work for shipment to a controlled substances testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification and integrity are not compromised.

Driver protection is also built in to the testing procedures. In order to meet the Federal requirements, the only laboratories that can be used for testing are those certified by the Federal Department of Health and Human Services. The initial test of any specimen will be an immunoassay which meets the requirement of the Food and Drug Administration for commercial distribution. All specimens identified as positive will be further confirmed using gas chromatography/mass spectrometry techniques. Before a laboratory is certified to conduct controlled substances testing, it is subject to a rigorous testing and inspection by the Department of Health and Human Services (DHHS). This testing and inspection includes the submission of test samples to the laboratory for analysis during three test cycles over a period of three months. If these test samples are correctly analyzed a team of qualified inspectors conduct an on-site inspection prior to certification of the lab. Continuing evaluation of the performance of certified laboratories by the Department of Health and Human Services includes the submission of performance test specimens every other month and an on-site inspection at least twice a year.

The laboratory must report test results to Department of Agriculture's designated Medical Review Officer within an average of five working days after the receipt of the specimen by the laboratory. Test results must be certified accurate. The report must identify the controlled substances, metabolites tested for, whether the results are positive, adulterated, substituted or negative, the specimen identification number assigned to the driver, and the controlled substances testing laboratory specimen identification number. The laboratory must also provide to Department of Agriculture a bi-annual statistical summary of urinalysis testing of drivers, which shall not include any personal identity information. The laboratory will retain samples that yield confirmed positive test results for one year in secured frozen storage. Because it is possible that some analytes may deteriorate during storage, the results of the re-test are to be reported as confirmation of the original test results if the detected level of the controlled substance is below the DOT established limits and equal to or greater than the sensitivity of the test.

VIII. COLLECTION SITES

The DER will maintain a list of sites for sample collection. The driver will not be allowed to transport himself or herself to or from the collection site in the event of a reasonable suspicion test or post-accident test request. The DER will arrange transportation for the driver at all times. The driver shall report immediately to the collection site once properly notified.

IX. THE ROLE OF THE MEDICAL REVIEW OFFICER

The Medical Review Officer (MRO) is a licensed, nationally certified physician who is knowledgeable in the medical use of prescription controlled substances and the pharmacology and toxicology of illicit controlled substances. The primary responsibility of the MRO is to review and interpret positive, adulterated, substituted or invalid test results obtained through Department of Agriculture's controlled substances testing program. Alcohol testing is not subject to medical review given the evidentiary nature of its results.

In terms of controlled substances testing, it is important to understand that a positive, adulterated, substituted or invalid test result does not automatically identify an individual as an illegal controlled substances user. The MRO must evaluate the alternative medical explanations that could account for a positive, adulterated, substituted or invalid test result.

The review of a positive, adulterated, substituted or invalid test result is initiated immediately upon receipt and is ordinarily completed within two working days after receipt of all information pertinent to the review. No information about the test result shall be given to Department of Agriculture during this period. In addition to information provided by the driver, this review will include considerations of chain of custody documents prepared at the time of collection and, in connection with the laboratory, processing of the specimen. This review must also include review of the chain of custody process. If the MRO is unable to contact the driver directly, the MRO will contact Department of Agriculture's DER, who shall in turn contact the driver and direct the driver to contact the MRO immediately, but no later than seventy-two hours as required by the regulations. The DER will inform the driver of the consequences of failing to do so as outlined in the regulations. During this time, Department of Agriculture will not stand-down the driver from performing safety-sensitive functions based only on a request by the MRO to talk with the driver regarding the pending test result. However, Department of Agriculture reserves the right to petition the Department of Transportation for a waiver of the stand-down provision if Department of Agriculture determines that standing-down a driver is necessary for safety and Department of Agriculture can provide data on safety problems or incidents that could have been prevented if a stand-down procedure were in place. During the review of the laboratory results, the MRO will conduct a medical interview with the driver, review the driver's medical history, or review other biomedical factors. This interview may be conducted by telephone. The MRO must review all medical records that the tested driver submits when a confirmed positive, adulterated, substituted or invalid test result could have resulted from legally prescribed medication.

If any questions arise about the accuracy or validity of a positive, adulterated, substituted or invalid test result, the MRO should review the laboratory records to determine whether the required procedures were followed. This will require collaboration with the laboratory director, the analysts, and expert consultants. If necessary, the MRO may request the sample be reanalyzed to determine the accuracy of the test result.

The MRO shall not disclose to any third party medical information provided by the individual to the MRO as part of the testing verification process with the following exceptions: the MRO may disclose such information to Department of Agriculture, DOT or any other Federal safety agency, or a physician responsible for determining the medical qualification of the driver when an applicable DOT regulation permits or requires such disclosure; in the MRO's reasonable medical judgement, the information could result in the driver being determined to be medically unqualified under an applicable DOT agency rule; or in the MRO's reasonable medical judgement, the information indicates that continued performance by the driver of his or her covered function could pose a significant safety risk.

At this point, the MRO makes a determination as to whether the result is scientifically sufficient to take further action. However, if the records from the collection site or laboratory raise doubts about the handling of the sample, the MRO may decide the urinary evidence is insufficient and no further actions would be taken. In these cases, the MRO shall note the possible errors in laboratory analysis or chain of custody procedures and shall notify the proper officials.

If it is determined with reasonable certainty that there is a legitimate medical or other reason to account for a positive, adulterated, substituted or invalid laboratory test result, the report will be reclassified as a negative test result. The notice to Department of Agriculture will indicate that the test result was negative. Any medical information obtained by the MRO will be treated as confidential.

If there is no medical or other reason to account for a positive, adulterated, substituted or invalid test result, the verified positive, adulterated, substituted or invalid test result will be disclosed to Department of Agriculture as required by the program. Any medical information acquired that is not specifically related to illegal controlled substances use will be treated as confidential and not disclosed.

No later than 72 hours after receipt of a confirmed positive, adulterated or substituted test result, a driver may submit a written request to the MRO for retesting of the specimen producing the positive, adulterated or substituted test result. The MRO must honor the request. Each driver may have one written request that the sample of the specimen be provided to the original or another DHHS-certified laboratory for testing. Per DOT requirements, Department of Agriculture must ensure that the test takes place and that the employee is not required to pay for the test from his/her own funds before the test takes place. Department of Agriculture reserves the right to seek reimbursement from the driver for the cost of the test once the test is completed.

In summary, the MRO determines whether there is some reason other than illegal controlled substances use to explain a positive, adulterated, substituted or invalid urine controlled substances test. If illegal controlled substances use is verified, the MRO will inform the DER of the identification of the controlled substances found in a positive test. The driver shall then be notified of the results of the random, reasonable suspicion and post-accident controlled substances test if the test results are verified as positive, adulterated or substituted. The driver will also be informed as to which controlled substances(s) were verified as positive. The organization shall notify a driver applicant of the results of a pre-employment controlled substances test if the driver requests such information within 60 days of being notified of the disposition of his/her employment application.

X. DRIVER CONSENT

Per organization policy, a driver's consent to a medical examination and alcohol and controlled substances testing is required as a condition of employment and a driver's refusal to consent may result in disciplinary action, up to and including termination. A driver who refuses to test under DOT regulations shall not be permitted to perform in a safety-sensitive position. Refusal shall be treated as a positive test for purposes of the regulations and will result in disciplinary action up to and including termination, per organization policy.

Consent to a medical examination and testing includes a driver's obligation to fully cooperate. Upon request, a driver must promptly complete any required forms and releases and promptly provide a sample for alcohol and controlled substances testing.

XI. REFUSAL TO SUBMIT TO A TEST

DOT regulations provide that a driver shall not refuse to submit to a required alcohol and/or controlled substances test. Refusal to submit to an alcohol or controlled substances test means that a driver:

- Fails to appear for any test within a reasonable time after being directed to do so by the employer or to remain at the testing site until the testing process is complete. This includes the failure of an employee/owner-operator to appear for a test when called by their testing consortium. An employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- Fails to provide a urine/saliva/breath specimen for alcohol and/or controlled substances testing after he or she has received notice of the requirement for testing. An employee who does not provide an adequate amount of urine/saliva/breath because he or she has left the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test;
- In the case of a directly observed or monitored collection of a controlled substances test, the driver fails to permit the observation or monitoring of the provision of a specimen;

- Fails to provide a sufficient amount of urine when directed and a physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails to provide a sufficient breath specimen and a physician has determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- Fails or declines to take a second test, following a negative dilute result, when required by the employer;
- Fails to undergo an additional medical examination or evaluation, as directed by the Medical Review Officer (MRO) as part of the verification process, or as directed by the DER concerning the evaluation as part of the “shy bladder” or “insufficient breath” procedures in Part 40. In the case of a pre-employment controlled substance test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment. If there was no contingent offer of employment, the MRO will cancel the test;
- Is reported by the MRO as having a verified adulterated or substituted test result.
- Fails to cooperate with any part of the testing process (e.g. refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process or fails to wash hands after being directed to do so by the collector).
- For an observed collection, fails to follow the observer’s instruction to raise clothing above the waist, lower clothing and underpants and to turn around to permit the observer to determine if the individual has any type of prosthetic or other device that could be used to interfere with the collection process.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admits to the collector or MRO that he or she has adulterated or substituted the sample.

XII. CONSEQUENCES OF A POSITIVE TEST

Per D.O.T. requirements no driver who is found to have a BAC of .02 or greater but less than .04 shall perform safety sensitive functions until the start of the driver's next scheduled duty period, but not less than 24 hours following the test. Per company policy the driver may also be subject to disciplinary action up to and including termination. A driver testing positive for a prohibited controlled substances or found to have an alcohol concentration of .04 or greater will be subject to disciplinary action up to and including termination (attach your company’s disciplinary action policy). At the sole discretion of the company, a driver may be offered an opportunity to return to duty once they become medically requalified and follow all requirements as outlined in Part 382.605.

XIII. DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The Designated Employer Representative (DER) is an employee authorized by Department of Agriculture to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for Department of Agriculture consistent with the requirements outlined in the regulations. The DER is also responsible for answering any questions a driver may have regarding the alcohol and controlled substances testing program. The DER for Department of Agriculture is as follows:

Kathleen Kirkland
100 N. Stewart Street, Suite 230,
Carson City, NV 89701
(775) 684-0209

XIV. CONFIDENTIALITY OF RECORDS

The release of individual alcohol and/or controlled substances test records is permitted only with the specific written consent of the driver with the following exceptions:

- When requested by the Department of Transportation, Department of Agriculture shall make available copies of all alcohol and/or controlled substances program name-specific records and reports, files, materials, data, documentation, agreements, contracts, policies and statements that are required under 49 CFR Part 382 and Part 40.
- When requested by Federal, state or local safety agency with regulatory authority, Department of Agriculture must provide controlled substances and alcohol test records concerning the driver.
- When requested by the National Transportation Safety Board as part of an accident investigation, Department of Agriculture shall disclose information related to the administration of a post-accident alcohol and/or controlled substances test administered following the accident under investigation.
- Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

- Department of Agriculture may disclose information required to be maintained under this part pertaining to a driver, to the decision maker in a lawsuit, grievance, or other administrative proceedings brought by or on behalf of the driver, and resulting from a positive alcohol and/or controlled substances test or a refusal to test (including, but not limited to, adulterated or substituted test results). These proceedings also include a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the controlled substance or alcohol test information sought is relevant to the case and issues an order directing Department of Agriculture to produce the information. Department of Agriculture may release the information only with a binding stipulation that the decision maker to whom it is released will make it available only to parties in the proceeding. Upon written request, a driver shall receive copies of any records pertaining to his/her test results.

XV. RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCES TEST INFORMATION BY PREVIOUS EMPLOYERS

Department of Agriculture shall obtain, pursuant to a driver's written consent, information on the driver's alcohol tests with a concentration result of 0.04 or greater, positive controlled substances test results, refusals to be tested (including adulterated and substituted test results), and any other violations of the FMCSA alcohol and controlled substance testing regulations within the preceding three years, which are maintained by the driver's previous employers. This information must be obtained and received by Department of Agriculture as soon as possible, but no later than thirty calendar days after the first time a driver performs safety-sensitive functions. If it is not feasible to obtain the information prior to the driver performing safety-sensitive functions, Department of Agriculture will not permit a driver to perform safety-sensitive functions after thirty days without obtaining the information. If the driver stops performing safety-sensitive functions for Department of Agriculture before expiration of the thirty day period or before Department of Agriculture has obtained this information, Department of Agriculture must still obtain these records. Department of Agriculture will provide to each of the driver's employers within the three preceding years the driver's specific, written authorization for release of the information. The release of any information under this part may take the form of personal interviews, telephone interview, letters, or any other method of obtaining information that ensures confidentiality. Department of Agriculture will maintain a written, confidential record with respect to each past employer contacted. Department of Agriculture must ask an applicant whether he or she has tested positive, or refused to test on any pre-employment controlled substance test administered by an employer to which the employee applied for, but did not obtain, safety-sensitive transportation work covered by DOT agency controlled substance and alcohol testing rules during the past three years. If the applicant admits to a positive test or refusal to test, Department of Agriculture will not use the applicant until the applicant documents successful completion of the DOT return-to-duty testing rules.

XVI. DRIVER ASSISTANCE TRAINING PROGRAM

Department of Agriculture shall require supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo testing, to receive at least sixty minutes of training on alcohol misuse and receive at least an additional sixty minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol and controlled substances misuse.

Department of Agriculture will ensure all drivers receive information concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a coworker's); and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management. The Designated Employer Representative will maintain a list of community treatment resources for drivers in need of assistance.

XVII. SEVERABILITY

If any part or provision of this policy, or the application thereof to any person or circumstance, should be held invalid by operation of law or by any tribunal of competent jurisdiction, or if compliance with or enforcement of any part of this provision is restrained by such tribunal pending a final determination as to its validity, the remainder of this policy, or the application of such part of provision to other persons or circumstances, shall not be affected and shall continue in full force and effect.

**DOT Motor Carrier Part 382
Alcohol And Controlled Substances Testing Program**

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Appendix A

DEPARTMENT OF AGRICULTURE

Verification of Driver's Involvement

I, _____, certify _____ participated in a alcohol and controlled substances testing program that met all the requirements of DOT Regulation 49 CFR, Part 382 and Part 40.

The driver's last date of active employment was on _____.

The driver's was last tested on _____.

Please check the following:

- | | |
|--|---|
| <input type="checkbox"/> Yes <input type="checkbox"/> No | The driver was tested for controlled substances within six months of his/her termination date. If yes, with the driver's written permission, please attach a copy of the controlled substances test result. |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | The driver was actively enrolled in the organization's random controlled substances testing program for the last twelve months of his/her employment. |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | To my knowledge, the driver has not violated any other regulation outlined in 49 CFR Part 382. |
| <input type="checkbox"/> Yes <input type="checkbox"/> No | The driver is qualified under the requirements of DOT Regulation 49 CFR, Part 382 and Part 40 and has not refused to be tested for controlled substances. |

Testing Program Information:

Organizational Name: _____
Address: _____
Phone Number: _____
Contact Person: _____

I certify that to my knowledge, the foregoing information is correct and true.

Dated:

Signature of Authorized Representative

Appendix B

DEPARTMENT OF AGRICULTURE

Driver Pre-employment Alcohol/Controlled Substances Statement

I, _____, certify that I have not tested positive or refused to test on any pre-employment alcohol/controlled substances test administered by a past employer in which I applied for but did not obtain safety-sensitive transportation work covered by the Department of Transportation's Alcohol and Controlled Substances Testing Rules during the past three years from the date of my employment application with Department of Agriculture.

Signature of Driver: _____

Date:

Witness: _____

Date:

This authorization is valid until revoked in writing by the above stated driver.

- DRIVER NOTICE -

IF THE DRIVER APPLICANT HAS HAD A POSITIVE PRE-EMPLOYMENT CONTROLLED SUBSTANCES TEST OR REFUSAL TO TEST DURING THE PAST THREE YEARS FROM THE DATE OF THIS EMPLOYMENT APPLICATION WITH DEPARTMENT OF AGRICULTURE, DO NOT SIGN THIS FORM.

DEPARTMENT OF AGRICULTURE WILL NOT EMPLOY A DRIVER TO PERFORM SAFETY-SENSITIVE FUNCTIONS UNTIL AND UNLESS THE DRIVER DOCUMENTS SUCCESSFUL COMPLETION OF THE RETURN TO DUTY PROCESS AS OUTLINED IN THE DOT REGULATIONS. DRIVER VERIFICATION OF THE COMPLETION OF THE RETURN TO DUTY PROCESS MUST BE SUBMITTED TO THE DESIGNATED EMPLOYER REPRESENTATIVE TO BE CONSIDERED ELIGIBLE FOR EMPLOYMENT.

Appendix C

**DEPARTMENT OF AGRICULTURE
CONSENT FORM
RELEASE OF ALCOHOL AND CONTROLLED SUBSTANCES TEST RESULTS TO
PROSPECTIVE EMPLOYERS**

Upon request, I, _____, authorize Department of Agriculture to release to all alcohol and controlled substances testing records obtained for the last three years of my employment.

The purpose of this release is to assist me in complying with my new employer, _____, DOT Alcohol and Controlled Substances Testing Program.

This consent is valid until revoked in writing by the above driver.

Date

Signature of Driver Applicant

Witness

Appendix D

DEPARTMENT OF AGRICULTURE NOTICE TO DRIVERS

I acknowledge that I have received a copy of Department of Agriculture's CFR 49 Part 382 Alcohol and Controlled Substances Testing Policy. I have read the Policy in its entirety and understand its requirements.

Date

Driver Name (Please Print)

Driver Signature

Appendix E

DEPARTMENT OF AGRICULTURE
REASONABLE SUSPICION REPORT

When requesting an alcohol and/or controlled substances test, Department of Agriculture's representative must complete this form.

1. Name of Driver: _____
2. Position: _____
3. Date of Incident: _____
4. Time of Incident: _____
5. State objective evidence of reasonable suspicion to believe the driver is in possession of, using, or under the influence of alcohol and/or controlled substances (physical evidence should be retained and stored):
6. Protocol for requesting alcohol and/or controlled substances testing:
 - a. Attempt to have another Supervisor corroborate your observation.
 - b. Contact the DER (or designee) for a second review of the evidence and approve testing if appropriate.
7. Call driver into office and present driver with evidence.
8. Driver's response (investigate, where appropriate):
9. Inform driver of Department of Agriculture's alcohol and controlled substances testing requirements.
10. Request driver to submit to alcohol and/or controlled substances testing:
 - a. If driver agrees, have driver sign testing release and follow procedure for collecting sample.
 - b. If driver refuses to submit to testing:
 - 1) Ask driver for reason(s) why he/she refuses to submit to alcohol and/or controlled substances testing.

Reasonable Suspicion Report - Page Two

10. (Continued)

- 2) Inform driver that Department of Agriculture's policy requires drivers to consent to testing and that refusal is grounds for disciplinary action up to and including termination.
- 3) Again request driver to consent to testing.
 - a) If driver agrees, have he/she sign testing release and follow procedure for collecting sample.
 - b) A Department of Agriculture representative will arrange transportation and accompany the driver to the collection site, stay in the waiting room until notified that the collection has been completed and then arrange transportation home for the driver.
 - c) If driver still refuses, inform driver that he/she is suspended pending Department of Agriculture's decision. Request driver to sign refusal to test form.
11. After testing sample is collected, inform driver that he/she is on investigative suspension pending the results of the test and Department of Agriculture's decision on the matter.
12. In cases where the driver is suspected of being under the influence of alcohol and/or controlled substances, arrange transportation (i.e., taxi) home for the driver. If the driver refuses transportation, attempt to persuade the driver to change his/her mind. Do not restrain the driver. In cases where the driver refuses transportation and his/her condition suggests that the driver presents a potential or actual safety risk to themselves or other drivers, notify the police. Inform the driver that you intend to call the police unless he/she accepts transportation. Have a witness verify the driver's refusal of transportation.
13. To the best of my knowledge, this report represents the physical, behavioral, speech or performance indicators of the above-named driver observed by me and upon which I based the decision to request the driver to submit to reasonable suspicion testing.

Supervisor Signature: _____

Date: _____

Appendix F

DEPARTMENT OF AGRICULTURE DRIVER RESPONSE FORM

8. Driver's response to alcohol and/or controlled substances testing request: (must be handwritten by driver)

10. Driver's reason for refusing to submit to alcohol and/or controlled substances testing: (must be handwritten by driver)

Appendix G

DEPARTMENT OF AGRICULTURE

NOTICE TO DRIVER APPLICANTS

CONTROLLED SUBSTANCES TESTING REQUIREMENT

Department of Agriculture has a vital interest in maintaining safe, healthful and efficient working conditions for our customers, the public, and our drivers. Using or being under the influence of alcohol and/or controlled substances on the job may pose serious safety and health risks not only for the user, but to all those who work with the user. The possession, use or sale of alcohol or an illegal controlled substances poses unacceptable risks to safe, healthful and efficient operations.

To meet this compelling interest, and in compliance with the Department of Transportation's Alcohol and Controlled Substances Testing Requirements (49 CFR Part 382) drivers who wish to be considered for employment must agree to **SUBMIT TO PRE-EMPLOYMENT CONTROLLED SUBSTANCES TESTING.**

By completing and signing this Notice and the attached Application of Employment, the driver applicant understands and agrees to submit to a pre-employment controlled substances testing as provided for in Department of Agriculture's Alcohol and Controlled Substances Policy.

ANY DRIVER APPLICANT WHO IS UNWILLING TO AGREE TO THESE CONDITIONS SHOULD NOT APPLY FOR EMPLOYMENT WITH DEPARTMENT OF AGRICULTURE. Refusal of a driver applicant to agree to controlled substances testing at this time does not preclude applying for employment with Department of Agriculture at some future date.

Date:

SIGNATURE OF DRIVER APPLICANT

Appendix H

DEPARTMENT OF AGRICULTURE

ALCOHOL AND CONTROLLED SUBSTANCES AWARENESS PROGRAM OUTLINE

In the alcohol and controlled substances awareness program I received information on:

- The dangers of substance abuse in the workplace.
- The effects and consequences of alcohol and controlled substances use on personal health, safety and the work environment.
- Physiological and psychological aspects of chemical dependency.
- Recognition of the warning signs that indicate alcohol or controlled substances use or abuse.
- Education on how not to support, cover up or make excuses for a fellow driver abusing alcohol or controlled substances.
- Available treatment resources and recovery options.

Driver Name (Please Print)

Date

Driver Signature

Appendix H

Page 2

DEPARTMENT OF AGRICULTURE SUPERVISORY TRAINING OUTLINE

I, _____, acknowledge that I have attended a supervisory training program as required by Department of Agriculture.

The supervisory training program provided information on:

- Recognition of the physical, behavioral, speech and performance indicators of probable employee alcohol misuse (one-hour training) and controlled substances abuse (one- hour training).
- How to document performance problems associated with alcohol and controlled substances abuse.
- How to conduct the corrective interview--practical and legal concerns.
- Making effective supervisory referrals for the troubled driver.
- Reintegration issues--working with the driver after treatment.

Signed

Date

I certify that the training conducted complies with the training requirements as outlined in 382.603.

Trainer name: Bob Sinnett, M.A.

Organization: Sinnett Consulting Services

Address: 10580 North McCarran # 115-212, Reno, Nevada 89503

Phone: (775) 746-1616

Signature:

Appendix I

RANDOM TESTING DOCUMENTATION FORM

PREPARE THIS FORM EACH TIME TEST SELECTION IS PERFORMED

Employer: _____

Location: _____

Testing Periods Per Year: _____

This Test Period Number: _____

Numbers of Drivers To Be Tested This Period: _____

Selection Date: _____

Eligible Driver's Names (list alphabetically)	Random Selection #	Collection Date	Alcohol Test Results	Drug Test Results
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Appendix J

DEPARTMENT OF AGRICULTURE DRIVER POST-ACCIDENT REPORT

Date of Accident: _____

Time of Accident: _____

Location of Accident: _____

Driver: _____

Driver's Social Security #: _____

Description of Accident: _____

Involved Parties:

Name: _____

Address: _____

Phone: _____

Witnesses:

Name: _____

Address: _____

Phone: _____

Name: _____

Address: _____

Phone: _____

Driver Post-Accident Report

Page Two

Investigating Officer:

Name: _____

Address: _____

Phone: _____

Were any tests administered by the law enforcement officer? _____

Were you issued a moving vehicle citation? _____

Did any vehicle sustain disabling damage to the extent the vehicle was undrivable and required towing?

Did you sustain an injury that required immediate treatment away from the scene?

(please describe)

Treatment Facility:

Name: _____

Address: _____

Phone: _____

Contact Person: _____

Were there any fatalities? _____

Contact Department of Agriculture's DER (Kathleen Kirkland 775-684-0209) to review the report form and receive instructions on providing a sample for alcohol and controlled substances testing (if required).

Appendix K

DEPARTMENT OF AGRICULTURE POST - ACCIDENT REVIEW

1. Review Driver's Post-Accident Report Form.
2. Attempt to contact investigating officer to discuss circumstances of the accident and determine if there is reason to believe the driver was under the influence of alcohol or controlled substances.
3. Notify driver of the closest collection site to proceed to provide a sample for alcohol and controlled substances testing (if required).
Collection Site: _____
Address: _____
Phone: _____
Contact Person: _____
Appointment Time: _____
4. Inform the driver that they will be placed on leave of absence with pay pending receipt of the post-accident test result.

Appendix L

DEPARTMENT OF AGRICULTURE RECORD KEEPING REQUIREMENTS

General requirements - Department of Agriculture shall maintain records of its alcohol misuse and controlled substances use prevention program as provided in the regulation. The records shall be maintained in a secure location with controlled access.

Period of Retention- Department of Agriculture shall maintain the records in accordance with the following schedule:

- 1) **Five years.** The following records shall be maintained for a minimum of five years:
 - a. Records of driver alcohol test results with results indicating an alcohol concentration 0.02 or greater.
 - b. Records of driver verified positive controlled substances test results.
 - c. Documentation of refusals to take required tests.
 - d. Calibration documentation.
 - e. Driver evaluation and referrals.
 - f. Records related to the administration of the alcohol and controlled substances testing program.
 - g. A copy of each annual calendar year summary required by § 382.403.

Two years - Records related to the alcohol and controlled substances collection process (except calibration of evidential breath testing devices).

One year - Records of negative and canceled controlled substances test results (as defined in part 40 of this title) and alcohol test results with a concentration of less than 0.02.

Indefinite Period – Records related to the education and training of breath alcohol technicians, screening test technicians, SAP's, MRO's, supervisors, and drivers shall be maintained by Department of Agriculture while the individual performs the functions which require the training and for two years after ceasing to perform those functions.

Types of Records - The following specific records shall be maintained.

1. Records related to the collection process:
 - a. Documents relating to the random selection process.
 - b. Calibration documentation for evidential breath testing devices.
 - c. Documents of breath alcohol technician training.
 - d. Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests.
 - e. Documents generated in connection with decisions on post-accident tests.
 - f. Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing.
 - g. Consolidated annual calendar year summaries as required by §382.403.
2. Records related to a driver's test results:
 - a. Copy of the alcohol test form, including the results of the test.
 - b. Copy of the chain of custody and control form.
 - c. Documents sent by the medical review officer to the employer.
 - d. Documents related to the refusal of any driver to submit to an alcohol or controlled substances test required by this part.
 - e. Documents presented by a driver to dispute the result of an alcohol or controlled substances test administered under this part.
 - f. Documents generated in connection with verifications of prior employer's alcohol or controlled substances test results that must be obtained in connection with the exception contained in §382.301 and §382.413.
3. Records related to other violations of this part.
4. Records related to evaluation:
 - a. Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance.
 - b. Records concerning a driver's compliance with recommendations of the substance abuse professional.

5. Records related to education and training:
 - a. Materials on alcohol misuse and controlled substances use awareness, including a copy of the employer's policy on alcohol misuse and controlled substances use.
 - b. Documentation of compliance with the requirements of § 382.601, including the driver's signed receipt of education materials.
 - c. Documentation of training provided to supervisors to make a determination concerning the need for alcohol and/or controlled substances testing based on reasonable suspicion.
 - d. Certification that any training conducted under this part complies with the requirements for such training.
6. Administrative records related to alcohol and controlled substances testing:
 - a. Agreements with collection site facilities, laboratories, breathe alcohol technicians, screening test technicians, medical review officers, consortia and third party service providers.
 - b. Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s).
 - c. Semi-annual laboratory statistical summaries of urinalysis required by § 40.111(a);
 - d. Department of Agriculture's alcohol and controlled substances testing policy and procedures.
 - e. Location of records - All records required by this part shall be maintained as required by §390.31 of this subchapter and shall be made available for inspection at the employer's principal place of business within two business days after a request has been made by an authorized representative of the Federal Motor Carrier Safety Administration (FMCSA).

Appendix M

**DEPARTMENT OF AGRICULTURE
DRIVER AUTHORIZATION FOR RELEASE OF TEST RESULTS
PERFORMED BY LAW ENFORCEMENT AGENCY**

I, _____, hereby authorize _____,
 driver's name name of law enforcement agency

having independent authority to perform either breath or blood tests for the use of alcohol or a urine test for the use of controlled substances following an accident,

to release to _____ at _____ any such
representative organization
test results.

I affirm that the test or tests were conducted in connection with a DOT-recordable accident

on _____ conducted by _____,
month, day, year name of law enforcement agency

in or near _____
city, state

Driver' social security number or CDL license number:

Signature of driver

Date _____

Witness

Date _____

This authorization is valid until withdrawn in writing by driver.

Appendix N

**DEPARTMENT OF AGRICULTURE
POST-ACCIDENT ALCOHOL AND CONTROLLED SUBSTANCES TEST
DOCUMENTATION FORM**

_____ was involved in a commercial motor vehicle accident
name of driver

on _____ requiring the administration of a post-accident alcohol
month, day, year

and controlled substance test pursuant to Part 382. Department of Agriculture was
notified of the accident at _____ on _____ by
time month, day, year

_____. The accident occurred at or near
driver/other

_____. The following efforts were undertaken to have the driver
tested as required by the regulations:

A. An alcohol test was administered within two hours which demonstrated a blood alcohol concentration of _____.

B. An alcohol test could not be administered to the driver within two hours of the accident because:

C. An alcohol test was administered after _____ hours (but not more than eight), which demonstrated a blood alcohol concentration of _____.

D. An alcohol test was not administered within eight hours of the accident because:

E. A controlled substances test (circle one) **was/was not** administered within 32 hours.

F. A controlled substances test was not administered within 32 hours because:

Department of Agriculture Representative

Date

Appendix O

DEPARTMENT OF AGRICULTURE MISSED ALCOHOL TEST DOCUMENTATION REPORT

Type of Test Requested:

_____ Post-Accident

_____ Reasonable Suspicion

Date:

Location:

Time:

Type of safety sensitive function the driver was performing at the time of the test request:

An alcohol test was not administered within eight hours because:

A blood alcohol test would have been available within eight hours at the following facility:

Name of facility:

Address of facility:

Phone number of facility:

Department of Agriculture Representative

Date

Submit to: Attn: Alcohol Testing Program
 Office of Motor Carrier Standards (HCS-1)
 FMCSA
 400 Seventh Street S.W.
 Washington, D.C. 20590

Appendix P

DEPARTMENT OF AGRICULTURE

RELEASE OF TESTING INFORMATION BY PREVIOUS EMPLOYER

I, _____, hereby authorize _____
driver/applicant's name previous employer/company name

to release to _____
company contact new employer/company name

address city/state/zip

() ()
phone fax

results of any positive controlled substance tests, alcohol tests with a result of .04 or greater, evidence of refusal to be tested (including adulterated or substituted test results); other violations of the FMCSA alcohol and controlled substance testing rules and information on any required substance abuse professional (SAP) evaluation and compliance with SAP recommendations for the preceding three years.

This authorization is valid until withdrawn by me in writing.

Dated this _____ day of _____

Name of driver _____

Signature of driver _____

SS Number _____ Witness _____
signature

Appendix Q

DOCUMENTATION OF CONFIRMATION FROM PREVIOUS EMPLOYER

This document certifies that _____ reports that
prior employer

_____ had:
driver

- | | | | | |
|---|---|-----|---|----|
| 1. Positive controlled substances test(s) | — | Yes | — | No |
| 2. Alcohol test Result(s) of .04 or greater | — | Yes | — | No |
| 3. Refusals to be tested for the preceding three years
(including adulterated or substituted test results) | — | Yes | — | No |
| 4. Other violations of FMCSA alcohol & controlled substance
testing regulations | — | Yes | — | No |

If **YES** to any of the above, below is the name and address of the substance abuse professional (SAP) that evaluated this individual. Please attach documentation of the employee's successful completion of the DOT return to duty requirements including follow-up tests. **For a driver who has successfully completed a SAP referral and remained in your employment, please provide documentation on whether the driver had any of the above testing violations any time after completion of the SAP referral.**

SAP _____

SAP address _____

SAP city/state/ZIP _____

Date: _____
month, day, year

Prior Employer
Representative:

signature

Appendix R

DRIVER DUE PROCESS RIGHTS AND RESPONSIBILITIES- INVESTIGATION OF PERSONAL HISTORY FILE

- 49CFR Part 391 requires all employers to inform drivers, in writing, of the following due process rights regarding the alcohol and controlled substances testing information that will be provided to the prospective employer: the right to review information provided by previous employers; the right to have errors in the information corrected by the previous employer and for that previous employer to re-send the corrected information to the prospective employer and the right to have a rebuttal statement attached to the alleged erroneous information, if the previous employer and the driver cannot agree on the accuracy of the information.
- Drivers who have previous Department of Transportation regulated employment history in the preceding three years, and wish to review previous employer-provided investigative information must submit a written request to the prospective employer, which may be done at any time, including when applying, or as late as 30 days after being employed or being notified of denial of employment.
- The prospective employer must provide this information to the applicant within five (5) business days of receiving the written request. If the prospective employer has not yet received the requested information from the previous employer(s), then the five-business days deadline will begin when the prospective employer receives the requested safety performance history information. If the driver has not arranged to pick up or receive the requested records within thirty (30) days of the prospective employer making them available, the prospective motor carrier may consider the driver to have waived his/her request to review the records.
- Drivers wishing to request correction of erroneous information in records received must send the request for the correction to the previous employer that provided the records to the prospective employer. The previous employer must either correct and forward the information to the prospective motor carrier employer, or notify the driver within 15 days of receiving a driver's request to correct the data that it does not agree to correct the data. If the previous employer corrects and forwards the data as requested, that employer must also retain the corrected information as part of the driver's record and provide it to subsequent prospective employers when requests for this information are received. If the previous employer corrects the data and forwards it to the prospective motor carrier employer, there is no need to notify the driver. Drivers wishing to rebut information in records received must send the rebuttal to the previous employer with instructions to include the rebuttal in that driver's record. Within five business days of receiving a rebuttal from a driver, the previous employer must forward a copy of the rebuttal to the prospective motor carrier employer and append the rebuttal to the driver's information in the carrier's appropriate file, to be included as part of the response for any subsequent investigating prospective employers for the duration of the three-year data retention requirement. The driver may submit a rebuttal initially without a request for correction, or subsequent to a request for correction.

Appendix R

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- The driver may also report failures of previous employers to correct information or include the driver's rebuttal as part of information, to the FMCSA. The prospective motor carrier employer must use the information only as part of deciding whether to hire the driver. The prospective motor carrier employer, its agents and insurers must take all precautions reasonably necessary to protect the records from disclosure to any person not directly involved in deciding whether to hire the driver. The prospective motor carrier employer may not provide any alcohol or controlled substances information to the prospective motor carrier employer's insurer.

I have read the driver due process rights and responsibilities- investigation of personal history file statement in its entirety and understand its requirements.

Date

Driver Name (Please Print)

Driver Signature

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Food & Nutrition Programs

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Update to Board

FOOD AND NUTRITION UPDATE

June 2014

Development

- Continue installation of Dairy Laboratory
- School Breakfast Grants- Reviewing School Breakfast Grants
- Nevada received a \$270,902 USDA NSLP Equipment grant
- Conducted Summer Food Service Program Partner's Meetings to encourage program sponsor and/or site development
- Met with representatives of the Food Bank of Northern Nevada and Three Squares to discuss collaborative efforts
- Conducted Wellness Policy Advisory Committee Meetings for the development of the Nevada School Wellness Policy
- Developing the Food Distribution Stakeholders Committee – To determine the most effective and efficient food distribution system with Nevada
- Secured southern warehouse – will be moving Food Distribution warehouse operations July 1, 2014
- 2015 Freightliner Tractor Truck has been ordered to provide long haul food distribution services to Elko, Ely and points in between
- Hired the Information Technology Professional IV
- Northern Nevada is now an import state for milk and all milk produced in Fallon is utilized by the DFA plant
- Hired two (2) Quality Assurance Specialists for National School Lunch Program and Summer Food Service Program reviews. Will hire two more to assist with the Child and Adult Care Food Program.
- Recruiting the Nutrition Programs Professional position vacant since February for the Child and Adult Care Food Program and the Summer Food Service Program.
- Developed Child and Adult Care Food Program Grant Application to Expand Licensed Day Care Homes

Services

- Commodity Food Cook-Off – Recipe competitions were held at 12 Food Distribution Program on Indian Reservation sites, participants had to use at least three (3) commodity food items in their recipes
- Dairy Commission licensed two (2) new businesses in Las Vegas
- Approved goat dairy, Fallon
- Staff conducted testing for the DFA Dry Powder Milk Plant

- Conducted program reviews for National School Lunch Program and Child and Adult Care Food Program
- Completed 22 dairy farm inspections
- Published the Community Eligibility Provision List

Training and Presentations

- Conducted Summer Food Service Program training for new and returning sponsors
- Variety of informational webinars provide to sponsors
- Presented at “Beyond the Hub” meeting hosted by Nevada Rural Development addressing rural food deserts and collaboration efforts
- Conducted Senior’s Farmers Market Nutrition Program Sponsor Training, Las, Vegas
- Conducted At-Risk Afterschool Meals training for Child and Adult Care Food Program Sponsor

Participation

- Staff Participated in the following trainings and conferences:
 - Western States Dairy Producer Trade Association Annual Meeting in Las Vegas
 - National Governors Association and No Kid Hungry “A State Summit on Reducing Childhood Hunger”, Detroit, MI
 - USDA Produce Safety University, Fresno, CA
 - USDA Child and Adult Care Food Program Refresher Training, Lakewood, CO
 - American Commodity Distribution Association Conference, Austin, TX
 - Laboratory Evaluation Officer Training, New Orleans, LA
 - USDA Food Distribution Program Training, Denver, CO
 - FDA Training, Portland, OR
 - Western Association Food Distribution Programs on Indian Reservation, Coeur D’Alene, ID
 - National Farm to Cafeteria Conference, Austin, TX
 - USDA National School Lunch Program Procurement Training, San Francisco, CA
 - Pasteurization Class, Vancouver, WA
 - Pacific/Southwest Regional Milk Seminar, Portland, OR
- Staff has been selected to serve on the Nevada Council on Food Security
- USDA conducted National School Lunch Program Management Evaluation

Recognition

- Food Bank of Northern Nevada was awarded the Sunshine Award for their participation in the Summer Food Service Program

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Animal Industries

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Animal
Industries
Update to Board

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Board Member Comments

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Public Comment

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Adjournment